

the extra space and care required in handling and transporting it. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 665, amended Pub. L. 87-793, § 102, Oct. 11, 1962, 76 Stat. 832.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 303, 463a, 475 (May 29, 1928, ch. 856, § 2, 45 Stat. 940; June 29, 1948, ch. 717, § 1, 62 Stat. 1097; July 3, 1948, ch. 830, title II, § 201, 62 Stat. 1261; May 27, 1958, Pub. L. 85-426, title II, § 201, 72 Stat. 138; July 25, 1958, Pub. L. 85-560, § 1, 72 Stat. 420).

Subsections (a) and (b) are taken from section 463a of title 39.

Subsection (d) covers the rate provisions of section 475. Paragraph 11 of said section has expired. It authorized the Postmaster General to adjust rates of postage and other conditions relating to air parcel post. The rates embodied in this section are taken from Postmaster General's Order No. 43920, dated August 30, 1950, as amended by Order No. 44391, dated October 30, 1950, modifying the rates and certain other conditions in accordance with the authority contained in paragraph 11 of section 475. Paragraph 10 authorizing rules and regulations is covered by sections 501 and 6301 of this title. The maximum size and weight limitations contained in section 475 are covered by section 4305. Section 4302 of this title is also based on this paragraph.

Subsection (d) (2) is based upon the proviso in section 3 of the act of June 29, 1948, chapter 717 (62 Stat. 1098).

The portion of section 303 of title 39, prescribing rates of postage on letters in business reply envelopes and on business reply cards is covered by subsection (c) of this section.

The second sentence of section 303 of title 39, prescribing rates of postage on business reply mail, is covered by subsection (c) of this section and by subsection (b) of section 4253 of this title.

Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-793, § 102(a) (1), eff. Jan. 7, 1963, substituted "eight cents" for "seven cents."

Subsec. (b). Pub. L. 87-793, § 102(a) (2), eff. Jan. 7, 1963, substituted "six cents" for "five cents."

Subsec. (d) (1). Pub. L. 87-793, § 102(a) (3), eff. Jan. 17, 1962, increased rates for first pound over 8 ounces or fraction thereof as follows: zones 1, 2, and 3 from 60 to 68 cents, zone 4 from 65 to 73 cents, zone 5 from 70 to 78 cents, zones 6 and 7 from 75 to 83 cents, and zone 8 from 80 to 88 cents.

Subsec. (d) (2). Pub. L. 87-793, § 102(a) (4), eff. Jan. 7, 1963, substituted "shall be at the rate provided by subsection (a) for each ounce not in excess of eight ounces, plus 5 cents for each ounce or fraction thereof in excess of eight ounces, but in no case less than the rate provided under paragraph (1) for air parcels" for "shall be at the rate provided for air parcels, but in no case shall be less than 3 cents an ounce or fraction thereof."

§ 4304. Postage on Alaskan air mail.

Notwithstanding the provisions of section 4303 of this title, the Postmaster General may fix the postage at rates not exceeding 30 cents per ounce or 15 cents per one-half ounce for airmail sent to, from, or within Alaska. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 665.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 462a, 488, 488a (Feb. 21, 1925, ch. 283, 43 Stat. 960; Aug. 24, 1935, ch. 638, 49 Stat. 744; Aug. 20, 1937, ch. 718, 50 Stat. 725; June 23, 1938, ch. 601, § 1107(d), 52 Stat. 1027; Oct. 14, 1940, ch. 879, § 1, 54 Stat. 1175; Aug. 14, 1946, ch. 963, § 2, 60 Stat. 1062).

The first sentence of this section covers the proviso in section 488 and the last sentence of section 488a. The matter in section 488 preceding the proviso is covered by section 6102 and the balance of section 488a is covered by section 6302.

The second sentence of this section is derived from the proviso in section 462a. The matter preceding the proviso is covered by section 4301.

Changes are made in phraseology.

§ 4305. Size and weight limits.

The maximum size and weight of domestic air-mail and air parcel post is 100 inches in length and girth combined and 70 pounds. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 665.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 475 (June 28, 1948, ch. 717, § 1, 62 Stat. 1097).

This section is derived from the maximum size and weight limitation contained in section 475.

Changes are made in phraseology.

Chapter 63.—SECOND CLASS MAIL AND CONTROLLED CIRCULATION PUBLICATIONS

SECOND CLASS MAIL

Sec.

- 4351. Definition.
- 4352. Entry as second class mail.
- 4353. Entry of foreign publications.
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- 4365. Permissible marks and enclosures.
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- 4367. Marking of advertising matter.
- 4368. Affidavits relating to mailings; second class mail.
- 4369. Filing of information relating to publications of the second class.
- 4370. Delivery of newspapers by postal transportation service.

CONTROLLED CIRCULATION PUBLICATIONS

- 4421. Definition.
- 4422. Rates.

AMENDMENTS

1962—Pub. L. 87-865, § 2(b), Oct. 23, 1962, 76 Stat. 1144, substituted "Filing of information relating to publications of the second class" for "Affidavits relating to publications of the second class" in item 4369.

SECOND CLASS MAIL

§ 4351. Definition.

Second class mail embraces newspapers and other periodical publications when entered and mailed in accordance with sections 4352—4357 of this title. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 666.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 224 (Mar. 3, 1879, ch. 180, § 10, 20 Stat. 359).

It is unnecessary to include the frequency of the issue of publications since this matter is covered by the sections referred to in the text. See section 4354 of this title.

Changes are made in phraseology.

§ 4352. Entry as second class mail.

(a) Upon application in the form prescribed by him the Postmaster General shall enter as second

class mail, at the Post Office where the office of publication is maintained, any publication which is entitled under sections 4353—4357 of this title to be classified as second class mail. A publication entered at one post office may also upon application be entered by him at another post office.

(b) The Postmaster General may revoke the entry of a publication as second class mail whenever he finds, after a hearing, that the publication is no longer entitled to be entered as second class mail.

(c) The Postmaster General may not accept for mailing as second class mail any publication having more than 75 per centum advertising in more than one-half of its issues during any twelve-month period and he shall revoke its entry. A charge made solely for the publication of transportation schedules, fares, and related information is not considered as advertising under this subsection. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 666.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 226a, 232, 289a, (Mar. 3, 1901, ch. 851, § 1, 31 Stat. 1107; July 7, 1932, ch. 445, 47 Stat. 647; June 26, 1934, ch. 755, 48 Stat. 1224; Oct. 30, 1951, ch. 631, title I, § 2, 65 Stat. 72).

Subsection (a) is based on section 226a of title 39, which requires applications for entry and reentry by prescribing fees for such applications, and conforms to the sense of 18 U.S.C. 1722 which makes the submission of false evidence relative to a publication a misdemeanor when it is submitted for the purpose of securing the admission of a publication as second class mail matter. The fees set forth in section 226a are covered by section 4357 of this title.

Subsection (b) is based on title 39, section 232. The provisions are stated in the affirmative rather than in the negative form found in the existing law. The words "reasonable notice to the publisher" are omitted as surplusage in view of provisions of the Administrative Procedure Act (5 U.S.C. 1001 et seq.).

Subsection (c) is based on the first proviso in title 39, section 289a. The rates of postage in section 289a are covered by sections 4358—4360 and 4362 of this title. Changes are made in phraseology.

§ 4353. Entry of foreign publications.

Foreign newspapers and other periodicals of the same general character as domestic publications entered as second class mail may be accepted by the Postmaster General, on application of the publishers thereof or their agents, for transmission through the mail at the same rates as if published in the United States. This section does not authorize the transmission through the mail of a publication which violates a copyright granted by the United States. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 666.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 227 (Mar. 3, 1879, ch. 180, § 15, 20 Stat. 359). Changes are made in phraseology.

§ 4354. Conditions for entry of publications.

(a) Generally a mailable periodical publication is entitled to be entered and mailed as second class mail if it—

(1) is regularly issued at stated intervals as frequently as four times a year and bears a date of issue and is numbered consecutively;

(2) is issued from a known office of publication;

(3) is formed of printed sheets;

(4) is originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or a special industry; and

(5) has a legitimate list of subscribers.

(b) For the purpose of this section, the word "printed" does not include reproduction by the stencil, mimeograph or hectograph processes or reproduction in imitation of typewriting.

(c) A periodical publication designed primarily for advertising purposes or for free circulation or for circulation at nominal rates is not entitled to be admitted as second class mail under this section. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 666.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 226 (Mar. 3, 1879, ch. 180, § 14, 20 Stat. 359; June 11, 1934, ch. 443, 48 Stat. 928; May 27, 1958, Pub. L. 85-426, title II, § 204, 72 Stat. 138). Changes are made in phraseology.

§ 4355. Conditions for entry of publications of certain organizations.

(a) Mailable periodical publications meeting the first three conditions of section 4354(a) of this title are entitled to be entered and mailed as second class mail when they do not contain advertising other than that of the publisher and if they are—

(1) published by a regularly incorporated institution of learning; or

(2) published by a regularly established State institution of learning supported in whole or in part by public taxation; or

(3) a bulletin issued by a State board of health, or a State industrial development agency; or

(4) a bulletin issued by a State conservation or fish and game agency or department; or

(5) a bulletin issued by a State board or department of public charities and corrections; or

(6) published by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons; or

(7) published by or under the auspices of a trades union; or

(8) published by a strictly professional, literary, historical, or scientific society; or

(9) published by a church or church organization; or

(10) published by any public or nonprofit private elementary or secondary institution of learning or its administrative or governing body.

(b) A publication containing advertising of persons other than the publisher but otherwise qualifying under items (6) through (9) of subsection (a) of this section is entitled to be entered and mailed as second class mail if—

(1) the publication is not designed or published primarily for advertising purposes;

(2) the publication is originated and published to further the objects and purposes of the publisher;

(3) the circulation is limited to copies sent to members who pay either as a part of their

dues or assessments, or otherwise, not less than 50 per centum of the regular subscription price; to other actual subscribers; to exchanges; and 10 per centum of the circulation as sample copies. Individual subscriptions or receipts are not required when members pay for publications, to which this subsection applies, as a part of their dues or assessments. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 667, amended Pub. L. 87-793, § 301, Oct. 11, 1962, 76 Stat. 837.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 229 (Aug. 24, 1912, ch. 389, § 1, 37 Stat. 550; Aug. 4, 1947, ch. 473, 61 Stat. 747; July 26, 1955, ch. 378, § 1, 69 Stat. 373).

Section 229 of title 39 covers publications of eight types of organizations, but not all of the provisions of the section are applicable to all the organizations named.

Subsection (a) lists the organizations and sets out the general conditions applicable to them.

Subsection (b) lists the conditions applicable to certain of the listed publications when they carry advertising other than that of the publisher.

Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-793, eff. Jan. 7, 1963, included bulletins published by a State industrial development agency in subpar. (3), and added subpar.(10).

§ 4356. Conditions for entry of publications of State departments of agriculture.

A mailable periodical publication issued by a State department of agriculture may be entered and mailed as second class mail if it—

- (1) is issued from a known place of publication;
- (2) is issued at stated intervals as frequently as four times a year;
- (3) is published only for the purpose of furthering the objects of the departments; and
- (4) does not contain advertising matter.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 667.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 230 (June 6, 1900, ch. 801, 31 Stat. 660). Changes are made in phraseology.

§ 4357. Fees for entry and registration.

(a) The fees for entry as second class mail are as follows—

- (1) for a publication having a circulation of not more than 2,000 copies, \$30;
- (2) for a publication having a circulation of more than 2,000 copies but not more than 5,000 copies, \$60;
- (3) for a publication having a circulation of more than 5,000 copies, \$120.

(b) The fee for re-entry of a publication as second class mail on account of change in title, frequency of issue, office of publication or for other reasons is \$15. The fee for each additional entry is \$15, except that if the additional entry is made within zones 3 to 8, inclusive (determined from the office of publication and entry), of the zones established for purposes of fourth-class mail, such fee shall be \$50.

(c) The fee for registry of a news agent is \$25.

(d) The applicant shall pay the fees fixed by this section at the time of application. (Pub. L.

86-682, Sept. 2, 1960, 74 Stat. 668, amended Pub. L. 87-793, § 110, Oct. 11, 1962, 76 Stat. 835.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 226a (July 7, 1932, ch. 445, 45 Stat. 647; June 26, 1934, ch. 755, 48 Stat. 1224). Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-793, § 110 (1)—(3), eff. Jan. 7, 1963, substituted “\$30” for “\$25” in cl. (1), “\$60” for “\$50” in cl. (2), and “\$120” for “\$100” in cl. (3).

Subsec. (b). Pub. L. 87-793, § 110 (4), (5), eff. Jan. 7, 1963, increased fees for re-entry and for each additional entry from \$10 to \$15, and inserted provisions establishing a fee of \$50 if the additional entry is made within zones 3 to 3, inclusive (determined from the office of publication and entry), of the zones established for purposes of fourth-class mail.

Subsec. (c). Pub. L. 87-793, § 110(6), eff. Jan. 7, 1963, substituted “\$25” for “\$20.”

Subsec. (d). Pub. L. 87-793, § 110(7), eff. Jan. 7, 1963, eliminated provisions which required the Postmaster General to return one-half of any fee paid under subsec. (a) of this section to the applicant if he denies the application.

CROSS REFERENCES

Fees for entry, re-entry, or additional entry, and for registry of a news agent, see section 507 (13), (14) of this title.

§ 4358. Postage rates within county of publication.

(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

[In cents]

	Mailed after January 6, 1963, and prior to January 1, 1965	Mailed after December 31, 1964
Rate per pound.....	1	1¼
Minimum charge per price.....	¼	½

(b) The rate of postage on the following publications admitted as second-class mail when mailed for delivery, within the county in which they are published and entered, by letter carrier at the office of mailing, shall be—

- (1) publications issued more frequently than weekly, one cent a copy;
- (2) publications issued less frequently than weekly—
 - (A) weighing two ounces or less, one cent a copy;
 - (B) weighing more than two ounces, two cents a copy.

(c) When copies of a publication are mailed at a post office where it is entered for delivery by letter carrier at a different post office within the delivery limits of which the headquarters or general business office of the publisher is located the rate of postage is—

- (1) the rate that would be applicable if the copies were mailed at the latter post office, or
- (2) the pound rates from the office of mailing if those rates are higher.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 668, amended Pub. L. 87-793, § 103, Oct. 11, 1962, 76 Stat. 832.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 283, 286 and 289a, Mar. 3, 1885, ch. 342, § 1, 23 Stat. 387 (uncodified) (June 23, 1874, ch. 456, § 5, 18 Stat. 232; Mar. 3, 1879, ch. 180, § 25, 20 Stat. 361; Mar. 3, 1885, ch. 342, § 1, 23 Stat. 387; Oct. 3, 1917, ch. 63, §§ 1101, 1102, 1103, 40 Stat. 327, 328; Feb. 28, 1925, ch. 368, § 202, 43 Stat. 1066; May 29, 1928, ch. 856, § 4, 45 Stat. 940; June 28, 1932, ch. 286, 47 Stat. 338; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Oct. 30, 1951, ch. 631, title I, § 2, 65 Stat. 672; June 18, 1954, ch. 318, 68 Stat. 262).

Subsection (a) is based on the second half of the first sentence of section 283(c) of title 39, the first sentence of section 286 of title 39, and that portion of section 289a (b) of title 39 preceding the proviso.

Subsection (b) is based on the second sentence of section 286; section 1, 23 Stat. 387 (uncodified); the first clause of the first sentence of section 283(c) and that portion of section 289a(b) preceding the proviso. The rates for within county mailings are set out in S. Rept. No. 694, 82d Congress, 1st session. See 1951 Congressional Code Service 2501. Reference to affixing stamps are omitted as superseded by section 285 of title 39. Methods of paying postage are covered generally by section 4052 of this title.

Subsection (c) is based on the proviso in section 289a (b). That proviso has superseded the last sentence of section 286.

Subsections (a) and (b) of section 283 of title 39 are covered by section 4359 of this title. The second sentence of subsection (c) and all of subsection (d) of section 283 are covered by sections 4363 and 4364 of this title, respectively.

Subsection (a) of section 289a of title 39 is covered by sections 4352 and 4359 of this title. Subsections (c) and (d) of section 289a are covered by sections 4360 and 4362 of this title, respectively.

Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-793, eff. Jan. 7, 1963, eliminated provisions which permitted one copy each of a publication entered as second class mail to be mailed free to each actual subscriber if the subscriber resides in the county in which the publication is printed in whole or in part and in which it is published, and receives his mail at an office at which letter carrier service is not established, and inserted provisions establishing rates of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered.

Subsec. (b). Pub. L. 87-793, eff. Jan. 7, 1963 eliminated provisions which made rates subject to the minimum rates provided by section 4360 of this title, and which prescribed the rate of one cent a pound if mailed for delivery by letter carrier at the office of mailing for publications issued weekly, if mailed for delivery at the office of mailing through post office boxes, general delivery or by rural or star route carrier, and if mailed for delivery at an office other than the office of mailing.

§ 4359. Postage rates beyond county of publication.

(a) Except as provided in sections 4358 and 4362 of this title, the rates of postage set out in this section are applicable to copies of publications entered as second class mail when (1) mailed by the publisher thereof from the post office of publication and entry or other post office where entry is authorized and (2) when mailed by news agents, registered as such under regulations prescribed by the Postmaster General, to actual subscribers thereto or to other news agents for the purpose of sale and (3) sample copies to the extent of 10 per centum of the weight of copies mailed to subscribers during the calendar year.

(b) (1) Except as provided by paragraphs (2), (3), and (4), the rates of postage on publications mailed in accordance with subsection (a) are as follows:

[In cents]			
	Mailed after January 6, 1963, and prior to January 1, 1964	Mailed during calendar year 1964	Mailed after December 31, 1964
Rates per pound:			
Advertising portion:			
Zones 1 and 2.....	3.4	3.8	4.2
Zone 3.....	4.4	4.8	5.2
Zone 4.....	6.4	6.8	7.2
Zone 5.....	8.4	8.8	9.2
Zone 6.....	10.4	10.8	11.2
Zone 7.....	12.0	12.0	12.0
Zone 8.....	14.0	14.0	14.0
Nonadvertising portion.....	2.6	2.7	2.8
Minimum charge per piece.....	.6	.8	1.0

(2) The postage on classroom publications is 60 per centum of the postage computed in accordance with paragraph (1).

(3) The rates of postage on publications of a qualified nonprofit organization mailed in accordance with subsection (a) are as follows:

[In cents]			
	Mailed after January 6, 1963, and prior to January 1, 1964	Mailed during calendar year 1964	Mailed after December 31, 1964
Rate per pound.....	1.6	1.7	1.8
Minimum charge per piece.....	.125	.125	.125

(4) In lieu of the minimum charge per piece prescribed by paragraph (1), the minimum charge per piece to be paid by the following publications (other than publications to which paragraph (2) or paragraph (3) is applicable shall be as follows—

(A) publications mailing fewer than 5,000 copies per issue outside the county of publication— one-half cent per piece;

(B) any issue of a publication the advertising portion of which does not exceed 5 per centum of the entire issue—.55 of a cent per piece when mailed after January 6, 1963, and prior to January 1, 1964, .65 of a cent per piece when mailed during calendar year 1964, and .75 of a cent per piece when mailed after December 31, 1964.

(c) For the purpose of this section, the portion of a publication devoted to advertisements shall include all advertisements inserted in the publication and attached permanently thereto.

(d) The publisher of a classroom publication or of a publication of a nonprofit organization before being entitled to the rates for the publications shall furnish such proof of qualifications as the Postmaster General prescribes.

(e) As used in this section the term—

(1) "classroom publication" means a religious, educational or scientific publication entered as second class mail and designed specifically for use in classrooms or in religious instruction classes;

(2) "a publication of a qualified nonprofit organization" means a publication published by and in the interest of one of the following types of organizations or associations if it is not organized for profit and none of its net income inures to the benefit of any private stockholder or individual: Religious, educational, scientific, philanthropic, agricultural, labor, veterans', fraternal, and associations of rural electric cooperatives, and not to exceed one publication published by the official highway agency of a State which meets all of the requirements of section 4354 and which contains no advertising; and

(3) "zones" means the eight zones established for fourth class mail.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 669, amended Pub. L. 87-793 §§ 104(a), (b), 304(b), Oct. 11, 1962, 76 Stat. 833, 840.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 283, 289a (June 23, 1874, ch. 456, § 5, 18 Stat. 232; Mar. 3, 1885, ch. 342, § 1, 23 Stat. 387; Oct. 3, 1917, ch. 63, §§ 1101-1103, 40 Stat. 327-328; Feb. 28, 1925, ch. 368, § 202, 43 Stat. 1066; May 29, 1928, ch. 856, § 4, 45 Stat. 940; 1946 Proc. No. 2295, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352; Oct. 30, 1951, ch. 631, title I, § 2, 65 Stat. 672; May 27, 1958, Pub. L. 85-426, title II, § 204, 72 Stat. 138).

This section covers subsection (a) of section 283 and subsection (a) (except the first proviso) of section 289a. See note to section 4358 for distribution of other provisions of sections 283 and 289a. For purposes of clarity the rates are set up in tabular form.

The last two provisos of section 289a(a) of title 39 are covered by subsections (d) and (e) of this section. Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-793, § 304(b), eff. Jan. 7, 1963, substituted "sections 4358 and 4362 of this title" for "sections 4358, 4361, and 4362 of this title."

Subsec. (b). Pub. L. 87-793, § 104(a), eff. Jan. 7, 1963, increased rates generally. Prior to such amendment, subsec. (b) read as follows:

"(b) Subject to the minimum rates provided by section 4360 of this title, the rates of postage on publications mailed in accordance with subsection (a) of this section are fixed by the pound as follows:

	"Class-room publications	Other publications		
		Mailed during calendar year 1959	Mailed during calendar year 1960	Mailed after Dec. 31, 1960
"Advertising portion:				
Zones 1 and 2.....	1.5	2.2	2.6	3.0
Zone 3.....	2.0	3.0	3.5	4.0
Zone 4.....	3.0	4.5	5.2	6.0
Zone 5.....	4.0	6.6	7.0	8.0
Zone 6.....	5.0	7.7	8.7	10.0
Zone 7.....	6.0	9.2	11.0	12.0
Zone 8.....	7.0	11.0	12.5	14.0
Nonadvertising portion.....	1.5	2.1	2.3	2.5
A publication of a qualified nonprofit organization.....		1.5	1.5	1.5"

Subsec. (e). Pub. L. 87-793, § 104(b), eff. Jan. 7, 1963, included within cl. (2) a publication published by and in the interest of associations of rural electric cooperatives, and not to exceed one publication published by the official highway agency of a State which meets all of the requirements of section 4354 and which contains no advertising.

§§ 4360, 4361. Repealed. Pub. L. 87-793, §§ 104(c), 304(a) (3), Oct. 11, 1962, 76 Stat. 833, 840, eff. Jan. 7, 1963.

Section 4360, Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670, prescribed minimum rates for each individually addressed copy of second class mail, and is now covered by sections 4358 and 4359 of this title.

Rates in effect prior to Jan. 7, 1963, are as follows:

"The following are the minimum rates for each individually addressed copy of second class mail:

"SECOND CLASS MINIMUM RATES
(in cents)

	"Mailed during calendar year 1959	Mailed during calendar year 1960	Mailed after Dec. 31, 1960
"For delivery within county of publication except when mailed free under sec. 4358(a) of this title.....	1/8	1/8	1/8
For delivery beyond county of publication:			
Classroom and nonprofit organization publication.....	1/8	1/8	1/8
Other publications.....	1/4	1/4	1/2"

Section 4361, Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670, permitted a publisher to mail single sheets or portions thereof from any publication entered as second class mail, to an advertiser or his agent as proof of the insertion of an advertisement, at the zone rates of postage applicable to the advertising portions of second class mail under section 4359 of this title.

§ 4362. Transient postage rate.

The rate of postage on copies of publications having second class entry mailed—

(1) by persons other than the publishers or registered news agents;

(2) as sample copies by the publishers in excess of the 10 per centum permitted to be mailed at the pound rates; and

(3) copies mailed by the publishers to persons who may not be included in the required legitimate list of subscribers;

is four cents for the first two ounces and one cent for each additional ounce or fraction thereof. When postage at the rates prescribed for fourth class mail is lower, the latter applies. The rates are computed on each individually addressed copy or package of unaddressed copies. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670, amended Pub. L. 87-793, § 105, Oct. 11, 1962, 76 Stat. 834.)

HISTORICAL AND REVISION NOTES

Based on title 29, U.S.C., 1952 ed., § 239a (Oct. 30, 1951, ch. 631, title I, § 2, 65 Stat. 672; May 27, 1958, Pub. L. 85-426, title II, § 204, 72 Stat. 138.)

The remaining provisions of this section are covered by sections 4352, 4358-4360 of this title.

Changes are made in phraseology.

AMENDMENTS

1962—Pub. L. 87-793, eff. Jan. 7, 1963, substituted "four cents" for "two cents."

§ 4363. Separation by mailer of second class mail.

The Postmaster General may require publishers and news agents to separate and make up to zones, in such manner as he directs, second class mail offered for mailing. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 283 (June 23, 1874, ch. 456, § 5, 18 Stat. 232; Mar. 3, 1885, ch. 342, § 1, 23 Stat. 387; Oct. 3, 1917, ch. 63 §§ 1101, 1102, 1103, 40 Stat. 327, 328; Feb. 28, 1925, ch. 368, § 202, 43 Stat. 1066; May 29, 1928, ch. 856, § 4, 45 Stat. 940; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352).

This section covers the last sentence of section 283(c) of title 39. The first sentence of said subsection is covered by section 4358 of this title. For the distribution of other portions of section 283, see note to section 4358.

Changes are made in phraseology.

§ 4364. Information to be furnished by mailer.

With the first mailing of each issue of a publication mailed as second class mail, the publisher shall file a copy of the issue together with a statement containing such information as the Postmaster General prescribes for determining the postage to be paid. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 283 (June 23, 1874, ch. 456, § 5, 18 Stat. 232; Oct. 3, 1917, ch. 63, §§ 1101, 1102, 1103, 40 Stat. 327, 328; Feb. 28, 1925, ch. 363, § 202, 43 Stat. 1066; May 29, 1928, ch. 856, § 4, 45 Stat. 940; 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352).

This section covers subsection (d) of section 283 of title 39. For the distribution of the balance of section 283, see note to section 4358.

Changes are made in phraseology.

§ 4365. Permissible marks and enclosures.

(a) Second class mail may contain no writing, print, or sign thereon or therein, in addition to the original print except—

(1) the name and address of the person to whom the mail is sent and directions for transmission, delivery, forwarding or return;

(2) index figures of subscription book either printed or written;

(3) the printed title of the publication and the place of its publication;

(4) the printed or written name and address without addition of advertisement of the publisher or sender, or both;

(5) written or printed words or figures, or both, indicating the date on which the subscription to the matter will end;

(6) the correction of typographical errors;

(7) a mark except written or printed words to designate a word or passage to which it is desired to call attention;

(8) the words "sample copy" when the matter is sent as such; and

(9) the words "marked copy" when the matter contains a marked item or article.

(b) Publishers and news agents may enclose in their publications bills, receipts and orders for subscriptions.

(c) This section does not prohibit the insertion in periodicals of advertisements permanently attached thereto. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 670.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 225, 249 (Mar. 3, 1879, ch. 180, § 12, 20 Stat. 359; Jan. 20, 1888, ch. 2, § 1, 25 Stat. 1; Mar. 4, 1911, ch. 241, § 6, 36 Stat. 1340; Feb. 28, 1925, ch. 368, § 206, 43 Stat. 1067; May 27, 1958, Pub. L. 85-426, title II, § 208, 72 Stat. 141).

Subsections (a) and (b) are based on the first sentence of section 249 of title 39. The authority contained in the section to issue regulations is covered by section 501 of this title.

The provisions of section 249 which relate to third and fourth class mail are covered by sections 4453 and 4454 of this title.

Subsection (c) covers the second sentence of section 225 of title 39. The first sentence is covered by section 4058 of this title.

Changes are made in phraseology.

§ 4366. Permissible supplements.

Publishers may fold a supplement within the regular issue of a publication entered as second class mail if the supplement is—

(1) germane to the publication;

(2) needed to supply matter omitted from the regular issue for want of space, time or greater convenience; and

(3) issued with the regular issue.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 671.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 228 (Mar. 3, 1879, ch. 180, § 16, 20 Stat. 359). Changes are made in phraseology.

§ 4367. Marking of advertising matter.

Editorial or other reading matter contained in publications entered as second class mail and for the publication of which a valuable consideration is paid, accepted or promised, shall be marked plainly "advertisement" by the publisher. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 671.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 234 (Aug. 24, 1912, ch. 389, § 2, 37 Stat. 554; Mar. 3, 1933, ch. 207, 47 Stat. 1486).

The first sentence of section 234 of title 39 is covered by this section. The words "valuable consideration" are substituted for "money or other valuable consideration". "Periodical" is substituted for "newspaper, magazine or periodical". Newspapers and magazines to be entered as second class mail must be "periodicals".

The second sentence of section 234 is transferred to title 18 as section 1734. The rate specified in this section is changed and may change again. The words "rates prescribed by law" are substituted for the specific rate.

Changes are made in phraseology.

§ 4368. Affidavits relating to mailings; second class mail.

The Postmaster General may require when he deems it necessary—

(1) a publisher of a second class publication;

or

(2) a news agent who distributed the publication; or

(3) an employee of the publisher or news agent to make an affidavit in the form prescribed by the Postmaster General, stating that he will not send or knowingly permit to be sent through the mails a copy of the publication without prepayment of postage thereon at the rate prescribed by law. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 671.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 231 (June 23, 1874, ch. 456, § 9, 18 Stat. 233).

The material in section 231 of title 39 relating to the nature of the affidavit is covered by this section. The penal provisions are transferred to title 18 as section 1733. Changes are made in phraseology.

§ 4369. Filing of information relating to publications of the second class.

(a) Each owner of a publication having second-class mail privileges under section 4354 of this title shall furnish to the Postmaster General at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as he may require respecting—

(1) the identity of the editor, managing editor, publishers, and owners;

(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

(3) the identity of known bondholders, mortgagees, and other security holders;

(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part: *Provided, however,* That trade publications serving the performing arts need only to furnish such information to the Postmaster General; and

(5) such other information as he may deem necessary to determine whether the publication meets the standards for second-class mail privileges.

The Postmaster General shall not require the names of persons owning less than 1 per centum of the total amount of stocks, bonds, mortgages, or other securities.

(b) Each publication having second-class mail privileges under section 4355(b) of this title shall furnish to the Postmaster General information in such form and detail, and at such times, as he requires to determine whether the publication continues to qualify thereunder. In addition, the Postmaster General may require each publication which has second-class mail privileges under section 4355(a) or 4356 of this title to furnish information, in such form and detail and at such times as he may require, to determine whether the publication continues to qualify thereunder.

(c) The Postmaster General shall make appropriate rules and regulations to carry out the purposes of this section, including provision for suspension or revocation of second-class mail privileges for failure to furnish the required information. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 671, amended Pub. L. 87-865, § 2(a), Oct. 23, 1962, 76 Stat. 1144.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 233 (Aug. 24, 1912, ch. 389, § 2, 37 Stat. 553; Mar. 3, 1933, ch. 207, 47 Stat. 1486; July 2, 1946, ch. 533, 60 Stat. 416).

The requirement that the affidavits be filed with the "postmaster at the office at which" the publication is entered is omitted as unnecessary. The Postmaster General may direct where such are to be filed.

The words "every newspaper, magazine, periodical or other publication" in the first sentence were shortened to "any publication entered as second class mail."

The words "through the mails or otherwise distributed" were inserted in the fourth item of subsection (a) in recognition of the holding of the Attorney General that the statement as to circulation must include the whole bona fide circulation of the publication. See 29 Opin. Atty. Gen. 526 and 30 Opin. Atty. Gen. 244.

Changes are made in phraseology.

AMENDMENTS

1962—Subsec. (a). Pub. L. 87-865 substituted provisions directing the owner of a publication having second-class mail privileges under section 4354 of this title to furnish to the Postmaster General at least once a year, and publish once a year, the necessary information, for provisions which required the editor, publisher, business manager or owner to file with the Postmaster General on or before Oct. 1 of each year, and publish in the second issue thereafter, a sworn statement containing the necessary information, inserted provisions requiring the statement to include information respecting the extent and nature of the circulation including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part, and such other information as the Postmaster General deems necessary to determine whether the publication meets the standards for second-class mail privileges, and authorizing trade publications serving the performing arts to furnish information respecting the extent and nature of the circulation only to the Postmaster General, and eliminated provisions which required inclusion of the names of business managers, and in the case of daily, semi-weekly, tri-weekly and weekly publications, required information respecting the average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

Subsec. (b). Pub. L. 87-865 substituted provisions requiring each publication having second-class mail privileges under section 4255(b) of this title to furnish information to determine whether the publication continues to qualify thereunder, and empowering the Postmaster General to require each publication which has second-class mail privileges under section 4355(a) or 4356 of this title to furnish information to determine whether the publication continues to qualify thereunder, for provisions which directed the Postmaster General to deny the privilege of the mail to a publication which fails to comply with the provisions of this section within 10 days after notice by registered mail.

Subsec. (c). Pub. L. 87-865 substituted provisions requiring the Postmaster General to make rules and regulations to carry out the purposes of this section, including provisions for suspension or revocation of second-class mail privileges for failure to furnish the required information, for provisions which made this section inapplicable to religious, fraternal, temperance, scientific, or similar publications.

§ 4370. Delivery of newspapers by the Postal Transportation Service.

The Postmaster General may provide by order the terms upon which the Department will receive directly from publishers or news agents in charge thereof, packages of newspapers and other periodicals not received from or intended for delivery at any post office and deliver them as directed, if presented and called for at the mail car or steamer. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 672.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 639 (R.S. 3889; July 31, 1882, ch. 361, 22 Stat. 180).

This section was revised to provide that the Postmaster General will specify the terms upon which the "Department" instead of "railway postal clerks" will receive newspapers at places other than post offices.

Changes are made in phraseology.

CONTROLLED CIRCULATION PUBLICATIONS

§ 4421. Definition.

Controlled circulation publications are those publications which—

- (1) contain twenty-four pages or more;
- (2) are issued at regular intervals of four or more times a year;
- (3) devote 25 per centum or more of their pages to text or reading matter and not more than 75 per centum to advertising matter;
- (4) may be circulated free or mainly free; and
- (5) are not owned and controlled by one or several individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 672.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 291b (July 3, 1948, ch. 830, title II, § 203, 62 Stat. 1262; May 27, 1958, Pub. L. 85-426, title II, § 205, 72 Stat. 139).

This section covers that part of 39 U.S.C. 291b which defines controlled circulation publications. The rates prescribed in section 291b and the provision authorizing acceptance of publications meeting the definition at those rates are covered by section 4422 of this title.

Changes are made in phraseology.

§ 4422. Rates of postage.

The postage rate on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title

when mailed in the manner prescribed by the Postmaster General, is, 12½ cents a pound or fraction thereof when mailed after January 6, 1963, and prior to January 1, 1964, 13 cents a pound or fraction thereof when mailed during calendar year 1964, and 13½ cents a pound or fraction thereof when mailed after December 31, 1964, regardless of the weight of the individual copies, with a minimum charge of 1 cent for each piece. The rates provided in this section shall remain in effect until otherwise provided by the Congress. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 672, amended Pub. L. 87-793, § 106, Oct. 11, 1962, 76 Stat. 834.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., § 291b (July 3, 1948, ch. 830, title II, § 203, 62 Stat. 1262; May 27, 1958, Pub. L. 85-426, title II, § 205, 72 Stat. 139). Changes are made in phraseology.

AMENDMENTS

1962—Pub. L. 87-793, eff. Jan. 7, 1963, increased the rate from 12 cents a pound or fraction thereof to 12½ cents a pound when mailed after Jan. 6, 1963, and prior to Jan. 1, 1964, 13 cents when mailed during calendar year 1964, and 13½ cents when mailed after Dec. 31, 1964.

Chapter 65.—THIRD CLASS MAIL

Sec.

- 4451. Definition.
- 4452. Postage rates.
- 4453. Permissible marks and enclosures.

§ 4451. Definition.

(a) Third class mail consists of mailable matter which is—

- (1) not mailed or required to be mailed as first class mail;
- (2) not entered as second class mail; and
- (3) less than sixteen ounces in weight.

(b) A person who presents for mailing at one time twenty or more identical copies of bills and statements of account produced by any photographic or mechanical process, other than typewriting, may mail them as third class mail. In other cases, bills and statements of account shall be mailed as first class mail.

(c) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(d) Unsealed letters written in point print or raised characters, or on sound reproduction records, used by the blind are third class mail without regard to the limit on weight prescribed in subsection (a) (3) of this section.

(e) Printed matter within the limit of weight set forth in subsection (a) of this section is third class mail. For the purpose of this subsection, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual and personal correspondence, have been reproduced by any process other than handwriting or typewriting. (Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 672, amended Pub. L. 87-793, § 304(c), Oct. 11, 1962, 76 Stat. 840.)

HISTORICAL AND REVISION NOTES

Based on title 39, U.S.C., 1952 ed., §§ 221, 221a, 235, 236, 237, 238, 290a-1, 331 (Mar. 3, 1879, ch. 180, §§ 7, 18, 19, 20 Stat. 358, 360; Mar. 2, 1899, ch. 362, 30 Stat. 984; Apr. 27, 1904, ch. 1612, 33 Stat. 313; Aug. 24, 1912, ch. 389, § 1, 37 Stat. 551; June 7, 1924, ch. 375, 43 Stat. 668; Feb. 28, 1925, ch. 368, §§ 206, 207, 43 Stat. 1067; June 9, 1930, ch. 415, 46 Stat. 526; May 9, 1934, ch. 264, 48 Stat. 678; Apr. 27, 1937, ch. 141, 50 Stat. 119; May 16, 1938, ch. 227, 52 Stat. 378; Oct. 14, 1941, ch. 437, 55 Stat. 737; Sept. 7, 1949, ch. 540, 63 Stat. 690; Oct. 30, 1951, ch. 631, title I, § 3, 65 Stat. 673; May 27, 1958, Pub. L. 85-426, title II, § 205, 72 Stat. 139).

Subsection (a) covers the sense of sections 221 and 235 of title 39, e. g., section 221 divides mail into four classes and with respect to the third class states that third class mail includes "miscellaneous printed matter and other mailable matter not in the first, second or fourth class." Section 235 states that books, circulars "and other matter wholly in print * * *", and "all other matter not included in the first, second or in the fourth class * * *", are third class matter. The sense of these two sections is clearly that third class matter is any matter which is not first, second, or fourth class. Section 290a-1 provides that the weight shall be 16 ounces. Subsection (a) is so written. For minimum weight limit of fourth class mail see note to section 4551 of this title.

Subsection (b) covers section 235 of title 39 insofar as it refers to bills or statements of account. When 20 or more identical copies are offered at the same time they are third class mail. It appears necessary to retain this part of section 235 because of the exception. This subsection also preserves section 221a of title 39.

Subsection (c) covers section 236 of title 39. If the definition of "circular" and the provision that circulars be carried as third class matter were not retained, such matters might be held to fall within the first class because they are in the nature of actual and personal correspondence.

Subsection (d) is based upon section 238 and the last paragraph of section 331 of title 39. The remainder of section 331 is covered by sections 4653, 4654 of this title.

Subsection (e) is based on section 237 of title 39.

AMENDMENTS

1962—Subsec. (d). Pub. L. 87-793, eff. Jan. 7, 1963, substituted "subsection (a) (3) of this section" for "subsection (a) (2) of this section."

§ 4452. Postage rates.

(a) Except as provided in subsection (c) of this section, and subject to the minimum charge per piece provided in subsection (b) of this section, the postage rates on third-class mail are as follows:

Type of mailing	Rate	Unit
(1) Individual piece.....	4	First 2 ounces or fraction thereof. Each additional ounce or fraction thereof.
	2	
(2) Bulk mailings under subsec. (e) of this section of:		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions and plants.	12	Each pound or fraction thereof.
(B) Other matter.....	18	Do.

(b) Matter mailed in bulk under subsection (e) of this section is subject to a minimum charge for each piece of 2½ cents when mailed subsequent to January 6, 1963 and prior to January 1, 1964, 2¢ cents when mailed during calendar year 1964, and 2⅞ cents when mailed after December 31, 1964, except that the minimum charge per piece on such matter mailed by qualified nonprofit organizations is 1¼ cents.