

**Pt. 23**

DOC has made no finding with regard to the complaint; or

(2) DOC issues any finding in favor of the recipient.

(b) If DOC fails to make a finding within 180 days or issues a finding in favor of recipient, DOC shall:

(1) Promptly advise the complainant of this fact; and

(2) Advise the complainant of his or her right to bring civil action for injunctive relief; and

(3) Inform the complainant that:

(i) The complainant may bring a civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) A complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) Before commencing the action, the complainant shall give 30 days notice by registered mail to the Secretary, the Attorney General of the United States, and the recipient;

(iv) The notice shall contain the alleged violation of the Act, the relief requested, the court in which the complainant is bringing the action, and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) The complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

**PARTS 21–22 [RESERVED]**

**PART 23—USE OF PENALTY MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN**

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AUTHORITY: 39 U.S.C. 3220(a)(2); 5 U.S.C. 301.

**15 CFR Subtitle A (1–1–16 Edition)**

SOURCE: 51 FR 46614, Dec. 24, 1986, unless otherwise noted.

**§ 23.1 Purpose.**

These regulations are intended to comply with 39 U.S.C. 3220(a)(2), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guidelines (50 FR 46622), to assist in the location and recovery of missing children through the use of penalty mail.

**§ 23.2 Contact person.**

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**§ 23.3 Plan.**

(a) The Department of Commerce will supplement and expand the national effort to assist in the location and recovery of missing children through the economical use of missing children information in domestic penalty mail directed to the public and Federal employees.

(b) The Department of Commerce may include, on or inside authorized types of penalty mail, pictures and biographical data related to missing children, provided such use is determined to be cost effective. The authorized types of penalty mail include:

(1) All envelopes; and

(2) Self-mailer publications (newsletters, bulletins, etc.) with a shelf-life of no more than 90 days.

(c) The manner in which pictures and biographical data may be used includes:

(1) Printing on envelopes at the time they are initially printed with the United States Postal Service (USPS) required postal code identification;

(2) Printed inserts that are placed in envelopes along with other mailing material;

(3) Stickers that are printed and placed on envelopes prior to mailing; and

(4) Printing as part of the content of self-mailers such as bureau newsletters, bulletins, etc.

(d) Missing children information will not be placed on letter-size envelopes in the areas described as the "Penalty Indicia Area," "OCR Read Area," "Bar