''(c)(1) Except as provided in paragraph (2) of this subsection—

''(A) the provisions of this Act [see Short Title note set out under section 101 of this title] shall not affect suits commenced prior to the date this section takes effect; and

''(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act [see Short Title note set out under section 101 of this title] had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act [see Short Title note set out under section 101 of this title] shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

''(2) If before the date on which any provision of this Act [see Short Title note set out under section 101 of this title] takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act–

''(A) such department or agency is transferred to the Postal Service; or

''(B) any function of such department, agency, or officer is transferred to the Postal Service;

such suit shall be continued by the Postal Service.

''(d) The amendment of any statute by this Act [see Short Title note set out under section 101 of this title] shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

''(e) With respect to any function, power, or duty transferred by this Act [see Short Title note set out under section 101 of this title] and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

''(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act [see Short Title note set out under section 101 of this title], shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

''(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid $300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202 [see section 15(b) of Pub. L. 91–375 set out as an Effective Date note above].''

Provisions of section 5 of Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note above.

CORRESPONDING REFERENCES

Pub. L. 91–375, §6(*o*)–(q), Aug. 12, 1970, 84 Stat. 783, provided that:

''(*o*) Whenever any reference is made in any provision of law (other than this Act [see Short Title note set out under section 101 of this title] or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

''(p) Whenever reference is made in any provision of law (other than this Act [see Short Title note set out under section 101 of this title] or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

''(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section [see Effective Date note set out above], that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.''

Provisions of section 6(*o*) to (q) of Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note above.

SEPARABILITY; LEGISLATIVE CONSTRUCTION

Pub. L. 91–375, §11, Aug. 12, 1970, 84 Stat. 785, provided that:

''(a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act [see Short Title note set out under section 101 of this title] is held to be invalid, the remainder of the Act shall not be affected thereby.

''(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act in which a section is placed nor by reason of the caption or catchline.''

Provisions of section 11 of Pub. L. 91–375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note above.

PART I—GENERAL

Chap.		Sec.
1.	**Postal Policy and Definitions**	**101**
2.	**Organization**	**201**
4.	**General Authority**	**401**
5.	**Postal Regulatory Commission**	**501**
6.	**Private Carriage of Letters**	**601**

AMENDMENTS

2006—Pub. L. 109–435, title VI, §601(c), Dec. 20, 2006, 120 Stat. 3239, added item for chapter 5.

CHAPTER 1—POSTAL POLICY AND DEFINITIONS

Sec.
101. Postal policy.
102. Definitions.

§101. Postal policy

(a) The United States Postal Service shall be operated as a basic and fundamental service pro-

vided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 719; Pub. L. 110–405, § 2(b)(9), Oct. 13, 2008, 122 Stat. 4289.)

AMENDMENTS

2008—Subsec. (f). Pub. L. 110–405 substituted ''mail.'' for ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.''

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–405, § 2(c), Oct. 13, 2008, 122 Stat. 4290, provided that: ''The amendments made by this section [amending this section, sections 3401 and 5402 of this title, and sections 41901 to 41904 and 41910 of Title 49, Transportation, renumbering former sections 41906, 41909, 41910, and 41912 of Title 49 as sections 41905, 41906, 41907, and 41908 of Title 49, respectively, and repealing former sections 41905, 41907, 41908, and 41911 of Title 49] shall take effect on October 1, 2008.''

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71–10 of the Board of Governors. See section 15(a) of Pub. L. 91–375, set out as a note preceding this section.

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110–405, § 1, Oct. 13, 2008, 122 Stat. 4287, provided that: ''This Act [amending this section, sections 3401 and 5402 of this title, and sections 41901 to 41904 and 41910 of Title 49, Transportation, renumbering former sections 41906, 41909, 41910, and 41912 of Title 49 as sections 41905, 41906, 41907, and 41908 of Title 49, respectively, repealing former sections 41905, 41907, 41908, and 41911 of Title 49, and enacting provisions set out as a note under this section] may be cited as the 'Air Carriage of International Mail Act'.''

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–435, § 1(a), Dec. 20, 2006, 120 Stat. 3198, provided that: ''This Act [see Tables for classification] may be cited as the 'Postal Accountability and Enhancement Act'.''

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–447, div. J, title III, § 301(a), Dec. 8, 2004, 118 Stat. 3350, provided that: ''This title [amending section 5402 of this title] may be cited as the 'Rural Air Service Improvement Act of 2004'.''

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–86, § 1, Sept. 30, 2003, 117 Stat. 1052, provided that: ''This Act [amending section 1004 of this title and enacting provisions set out as notes under section 1004 of this title] may be cited as the 'Postmasters Equity Act of 2003'.''

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107–206, title III, § 3002(a), Aug. 2, 2002, 116 Stat. 910, provided that: ''This title [amending section 5402 of this title, section 2703 of Title 19, Customs Duties, section 1626 of Title 43, Public Lands, and section 41901 of Title 49, Transportation, and enacting provisions set out as notes under section 5402 of this title, section 112 of Title 1, General Provisions, and sections 2703 and 3203 of Title 19] may be cited as the 'Rural Service Improvement Act of 2002'.''

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107–67, title VI, § 650(a), Nov. 12, 2001, 115 Stat. 556, provided that: ''This section [amending section 414 of this title and enacting provisions set out as a note under section 414 of this title] may be cited as the 'Breast Cancer Research Stamp Act of 2001'.''

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–253, § 1, July 28, 2000, 114 Stat. 634, provided that: ''This Act [enacting section 416 of this title, amending section 414 of this title, and enacting provisions set out as notes under sections 414 and 416 of this title] may be cited as the 'Semipostal Authorization Act'.''

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105–241, § 1, Sept. 28, 1998, 112 Stat. 1572, provided that: ''This Act [enacting section 415 of this title and amending sections 404 and 3622 of this title, section 7902 of Title 5, Government Organization and Employees, and sections 652 and 668 of Title 29, Labor] may be cited as the 'Postal Employees Safety Enhancement Act'.''

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105–41, §1, Aug. 13, 1997, 111 Stat. 1119, provided that: ''This Act [enacting section 414 of this title and provisions set out as a note under section 414 of this title] may be cited as the 'Stamp Out Breast Cancer Act'.''

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–123, title VII, §701(a), Oct. 28, 1993, 107 Stat. 1267, provided that: ''This title [enacting section 3642 of this title, amending sections 410, 2401, 3202, 3601, 3625 to 3627, and 3683 of this title, and enacting provisions set out as notes under sections 2401, 3621, 3626, and 3683 of this title] may be cited as the 'Revenue Forgone Reform Act'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–421, §1, Sept. 24, 1976, 90 Stat. 1303, provided: ''That this Act [amending sections 404, 2003, 2401, 3601, 3604, 3622, 3623, 3624, 3626, 3641, and 3683 of this title, and enacting provisions set out as notes under sections 404, 3601, 3624, 3641, and 3661 of this title] may be cited as the 'Postal Reorganization Act Amendments of 1976'.''

SHORT TITLE

Pub. L. 91–375, §1, Aug. 12, 1970, 84 Stat. 719, provided: ''That this Act [revising this title, enacting sections 1735 to 1737 of Title 18, Crimes and Criminal Procedure, amending section 356 of Title 2, The Congress, section 19 of Title 3, The President, sections 101, 104, 2104, 2105, 3104, 3304a, 4301, 5102, 5303, 5304, 5312, 5314 to 5316, 5541, 6301, 6323, 7101, and 8344 of Title 5, Government Organization and Employees, sections 24 seventh par., 1701d–3, and 1701e of Title 12, Banks and Banking, section 637 of Title 15, Commerce and Trade, section 460*l*–1 of Title 16, Conservation, section 8 of former Title 17, Copyrights, sections 12, 440, 441, 500, 501, 612, 876, 877, 1114, 1303, 1341, 1342, 1463, 1696, 1699, 1703, 1704, 1707, 1709 to 1713, 1715, 1716, 1716A, 1717, 1718, 1721 to 1725, 1729, 1730, 1733, and 3061 of Title 18, section 611 of Title 22, Foreign Relations and Intercourse, sections 72 fifth par., 129, and 724a of former Title 31, Money and Finance, sections 356, 474, 615, 723, and 724 of former Title 40, Public Buildings, Property, and Works, and section 2942 of Title 42, The Public Health and Welfare, repealing section 3327 of Title 5 and section 1028 of former Title 31, and enacting provisions set out as notes under this section and sections 201, 601, 1001, 1003, 1201, 2002, 2004, 3010, and 3621 of this title] may be cited as the 'Postal Reorganization Act'.''

§102. Definitions

As used in this title—

(1) ''Postal Service'' means the United States Postal Service established by section 201 of this title;

(2) ''Board of Governors'', and ''Board'', unless the context otherwise requires, mean the Board of Governors established under section 202 of this title;

(3) ''Governors'' means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title;

(4) ''Inspector General'' means the Inspector General appointed under section 202(e) of this title;

(5) ''postal service'' refers to the delivery of letters, printed matter, or mailable packages, including acceptance, collection, sorting, transportation, or other functions ancillary thereto;

(6) ''product'' means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied;

(7) ''rates'', as used with respect to products, includes fees for postal services;

(8) ''market-dominant product'' or ''product in the market-dominant category of mail'' means a product subject to subchapter I of chapter 36;

(9) ''competitive product'' or ''product in the competitive category of mail'' means a product subject to subchapter II of chapter 36; and

(10) ''year'', as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 104–208, div. A, title I, §101(f) [title VI, §662(a)(2)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–379; Pub. L. 109–435, title I, §101, Dec. 20, 2006, 120 Stat. 3199.)

AMENDMENTS

2006—Pars. (5) to (10). Pub. L. 109–435 added pars. (5) to (10).

1996—Par. (4). Pub. L. 104–208 added par. (4).

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.

CHAPTER 2—ORGANIZATION

Sec.
201. United States Postal Service.
202. Board of Governors.
203. Postmaster General; Deputy Postmaster General.
204. General Counsel; Judicial Officer; Chief Postal Inspector.
205. Procedures of the Board of Governors.
206. Advisory Council.
207. Seal.
208. Reservation of powers.

AMENDMENTS

§201. United States Postal Service

There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 720.)

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; ABOLITION OF OFFICE

Section 4(a) of Pub. L. 91–375 provided that: ''There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.''

Provisions of section 4(a) of Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of this title.

INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE

Pub. L. 104–208, div. A, title I, § 101(f) [title VI, § 662(e)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–382, provided that:

''(1) FIRST APPOINTMENT.—The first Inspector General of the United States Postal Service appointed pursuant to the amendments made by this section [amending sections 102, 202, 204, 410, and 1003 of this title, section 5315 of Title 5, Government Organization and Employees, and section 8G of the Inspector General Act of 1978, Pub. L. 95–452, set out in the Appendix to Title 5, and renumbering another section 8G of the Inspector General Act of 1978 as 8H] shall be appointed before the end of the 90-day period beginning on the date of the enactment of this Act [Sept. 30, 1996].

''(2) TRANSFERS.—

''(A) IN GENERAL.—All measures described in section 8G(b) of the Inspector General Act of 1978 necessary to establish an Office of Inspector General within the United States Postal Service pursuant to this section, including all appropriate transfers, shall occur—

''(i) no earlier than the date the appointment under paragraph (1) is made; and

''(ii) no later than 60 days after the date the appointment under paragraph (1) is made.

''(B) PROVISIONS RELATING TO PERSONNEL.—

''(i) CONSULTATION.—Decisions concerning which personnel are to be transferred pursuant to subparagraph (A) shall be made by the Governors (within the meaning of section 102(3) of title 39, United States Code) in consultation with the Inspector General appointed under paragraph (1).

''(ii) TRANSFERRED PERSONNEL.—Personnel transferred pursuant to subparagraph (A) shall, to the extent not inconsistent with other provisions of this subsection, be transferred in accordance with applicable laws and regulations relating to the transfer of functions within the United States Postal Service, except that, notwithstanding any provision of section 1003(b) of title 39, United States Code, as amended by this section, the classification and compensation of such personnel shall not be reduced, by reason of having been transferred, for 1 year after being so transferred.

''(3) TRANSITION PROVISION.—The Chief Postal Inspector may continue to serve as Inspector General of the United States Postal Service until the date on which an Inspector General is appointed under paragraph (1) or, if earlier, the end of the period referred to in such paragraph. Compensation for any service under this paragraph shall be determined as if this section had not been enacted.''

§ 202. Board of Governors

(a)(1) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of $30,000 a year plus $300 a day for not more than 42 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 42 days.

(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(b)(1) The terms of the 9 Governors shall be 7 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term. A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

(2) No person may serve more than 2 terms as a Governor.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

(e)(1) The Governors shall appoint and shall have the power to remove the Inspector General.

(2) The Inspector General shall be appointed—

(A) for a term of 7 years;

(B) without regard to political affiliation; and

(C) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General may at any time be removed upon the written concurrence of at least 7 Governors, but only for cause. Nothing in this subsection shall be considered to exempt the Governors from the requirements of section 8G(e) of the Inspector General Act of 1978.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 98–81, § 2, Aug. 23, 1983, 97 Stat. 487; Pub. L. 99–190, § 144, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 104–208, div. A, title I, § 101(f) [title VI, §§ 644(a), 662(a)(1)], Sept. 30, 1996, 110 Stat. 3009–314,

3009–366, 3009–378; Pub. L. 109–435, title V, §501(a)(1), (b), (c)(1), (d)(1), Dec. 20, 2006, 120 Stat. 3232, 3233.)

REFERENCES IN TEXT

Section 8G of the Inspector General Act of 1978, referred to in subsec. (e), is section 8G of Pub. L. 95–452, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, §501(a)(1), designated existing provisions as par. (1) and substituted ''The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.'' for ''The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.''

Subsec. (a)(2). Pub. L. 109–435, §501(b), added par. (2).

Subsec. (b). Pub. L. 109–435, §501(d)(1), designated existing provisions as par. (1) and added par. (2).

Pub. L. 109–435, §501(c)(1), which directed amendment of first sentence by substituting ''7 years'' for ''9 years'', was executed by making substitution for ''9 years'' the first place appearing in first sentence, to reflect the probable intent of Congress.

1996—Subsec. (a). Pub. L. 104–208, §101(f) [title VI, §644(a)], substituted ''$30,000 a year'' for ''$10,000 a year''.

Subsec. (e). Pub. L. 104–208, §101(f) [title VI, §662(a)(1)], added subsec. (e).

1985—Subsec. (a). Pub. L. 99–190 substituted ''42'' for ''30'' in two places.

1983—Subsec. (b). Pub. L. 98–81 inserted provision that a Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title V, §501(a)(2), Dec. 20, 2006, 120 Stat. 3232, provided that: ''The amendment made by paragraph (1) [amending this section] shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date of enactment of this Act [Dec. 20, 2006][;] however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act [Dec. 20, 2006].''

Pub. L. 109–435, title V, §501(c)(2), Dec. 20, 2006, 120 Stat. 3233, provided that:

''(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] and such person may continue to serve the remainder of the applicable term.

''(B) VACANCY BY INCUMBENT BEFORE 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 7 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 7-year term.

''(C) VACANCY BY INCUMBENT AFTER 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 7 years or more of that term, that term shall be deemed to have been a 7-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 7-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be a 7-year term under this subparagraph.''

Pub. L. 109–435, title V, §501(d)(2), Dec. 20, 2006, 120 Stat. 3233, provided that: ''The amendments made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.''

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title VI, §644(b)] of Pub. L. 104–208 provided that: ''Subsection (a) [amending this section] shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act [Sept. 30, 1996].''

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

SAVINGS PROVISION

Payment to Governors of Board of Governors of Postal Service of $300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note set out above], notwithstanding this section, see section 5(g) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

§203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

§204. General Counsel; Judicial Officer; Chief Postal Inspector

There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, a Judicial Officer, and a Chief Postal Inspector. The General Counsel, the Assistant Postmasters General, the Judicial Officer, and the Chief Postal Inspector shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with

chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General. The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 721; Pub. L. 104–208, div. A, title I, § 101(f) [title VI, § 662(f)(2)(A)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–382.)

AMENDMENTS

1996—Pub. L. 104–208, § 101(f) [title VI, § 662(f)(2)(A)(i)], in section catchline substituted ''General Counsel; Judicial Officer; Chief Postal Inspector'' for ''Assistant Postmasters General; General Counsel; Judicial Officer''.

Pub. L. 104–208, § 101(f) [title VI, § 662(f)(2)(A)(ii)–(iv)], substituted ''a Judicial Officer, and a Chief Postal Inspector.'' for ''and a Judicial Officer.'' and ''the Judicial Officer, and the Chief Postal Inspector'' for ''and the Judicial Officer'', and inserted at end ''The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.''

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71–7 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.

§ 205. Procedures of the Board of Governors

(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

(3) as otherwise provided in this title.

(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Subsecs. (a) and (d) effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors, and subsecs. (b) and (c) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

§ 206. Advisory Council

(a) There shall be a Postal Service Advisory Council of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 207. Seal

The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of

State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71–5 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.

§ 208. Reservation of powers

Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 722.)

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.

CHAPTER 4—GENERAL AUTHORITY

Sec.
401. General powers of the Postal Service.
402. Delegation of authority.
403. General duties.
404. Specific powers.
404a. Specific limitations.
405. Printing of illustrations of United States postage stamps.
406. Postal services at Armed Forces installations.
407. International postal arrangements.
408. International money-order exchanges.
409. Suits by and against the Postal Service.
410. Application of other laws.
411. Cooperation with other Government agencies.
412. Nondisclosure of lists of names and addresses.
413. Postal services at diplomatic posts.
414. Special postage stamps.
415. Prohibition on restriction or elimination of services.
416. Authority to issue semipostals.

AMENDMENTS

2006—Pub. L. 109–435, title IV, § 403(c), Dec. 20, 2006, 120 Stat. 3227, added item 404a.

2000—Pub. L. 106–253, § 2(d), July 28, 2000, 114 Stat. 636, added item 416.

1998—Pub. L. 105–241, § 4(b), Sept. 28, 1998, 112 Stat. 1573, added item 415.

1997—Pub. L. 105–41, § 2(c), Aug. 13, 1997, 111 Stat. 1121, added item 414.

1990—Pub. L. 101–524, § 5(b), Nov. 6, 1990, 104 Stat. 2303, added item 413.

§ 401. General powers of the Postal Service

Subject to the provisions of section 404a, the Postal Service shall have the following general powers:

(1) to sue and be sued in its official name;

(2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;

(3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;

(4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;

(5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;

(6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;

(7) to accept gifts or donations of services or property, real or personal, as it deems, necessary or convenient in the transaction of its business;

(8) to settle and compromise claims by or against it;

(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 722; Pub. L. 109–435, title IV, § 403(b)(1), title V, § 504, Dec. 20, 2006, 120 Stat. 3227, 3235.)

AMENDMENTS

2006—Pub. L. 109–435, § 403(b)(1), substituted ''Subject to the provisions of section 404a, the'' for ''The'' in introductory provisions.

Par. (2). Pub. L. 109–435, § 504, amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;''.

EFFECTIVE DATE

Pars. (1) and (3) to (10) effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors and par. (2) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Postmaster General, see Parts 1, 2, and 26 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 402. Delegation of authority

Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of redelegation, as it deems desirable. The Board

may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 723.)

EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71–5 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.

§ 403. General duties

(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. The Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

(b) It shall be the responsibility of the Postal Service—

(1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

(3) to establish and maintain postal facilities of such character and in such locations, that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 723; Pub. L. 96–70, title I, § 1331(e)(1), Sept. 27, 1979, 93 Stat. 482.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96–70 substituted ''The Postal Service'' for ''Except as provided in the Canal Zone Code, the Postal Service''.

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 Jan. 20, 1971, pursuant to Resolution No. 71–10 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.

CONTINUATION OF MAIL DELIVERY SERVICES

Provisions requiring continuation of six-day delivery and rural delivery of mail at not less than the 1983 level were contained in the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Independent Agencies Appropriations Act, 2006, Pub. L. 109–115, div. A, title VI, Nov. 30, 2005, 119 Stat. 2490, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:

Pub. L. 108–447, div. H, title IV, Dec. 8, 2004, 118 Stat. 3264.

Pub. L. 108–199, div. F, title IV, Jan. 23, 2004, 118 Stat. 340.

Pub. L. 108–7, div. J, title II, Feb. 20, 2003, 117 Stat. 442.

Pub. L. 107–67, title II, Nov. 12, 2001, 115 Stat. 525.

Pub. L. 106–554, § 1(a)(3) [title II], Dec. 21, 2000, 114 Stat. 2763, 2763A–135.

Pub. L. 106–58, title II, Sept. 29, 1999, 113 Stat. 444.

Pub. L. 105–277, div. A, § 101(h) [title II], Oct. 21, 1998, 112 Stat. 2681–480, 2681–492.

Pub. L. 105–61, title II, Oct. 10, 1997, 111 Stat. 1290.

Pub. L. 104–208, div. A, title I, § 101(f) [title II], Sept. 30, 1996, 110 Stat. 3009–314, 3009–326.

Pub. L. 104–52, title II, Nov. 19, 1995, 109 Stat. 476.

Pub. L. 103–329, title II, Sept. 30, 1994, 108 Stat. 2392.

Pub. L. 103–123, title II, Oct. 28, 1993, 107 Stat. 1234.

Pub. L. 102–393, title II, Oct. 6, 1992, 106 Stat. 1737.

Pub. L. 102–141, title II, Oct. 28, 1991, 105 Stat. 843.

Pub. L. 101–509, title II, Nov. 5, 1990, 104 Stat. 1396.

Pub. L. 101–136, title II, Nov. 3, 1989, 103 Stat. 790.

Pub. L. 100–440, title II, Sept. 22, 1988, 102 Stat. 1727.

Pub. L. 100–202, §§ 101(m) [title II], 102, Dec. 22, 1987, 101 Stat. 1329–390, 1329–397, 1329–433.

Pub. L. 99–500, §§ 101(m) [title II], 102, Oct. 18, 1986, 100 Stat. 1783–308, 1783–314, 1783–346, and Pub. L. 99–591, §§ 101(m) [title II], 102, Oct. 30, 1986, 100 Stat. 3341–308, 3341–314, 3341–346.

Pub. L. 99–190, §§ 101(h) [H.R. 3036, title II], 102, Dec. 19, 1985, 99 Stat. 1291, 1315.

Pub. L. 98–473, §§ 101(j) [H.R. 5798, title II], 102, Oct. 12, 1984, 98 Stat. 1963, 1964.

Pub. L. 98–151, §§ 102, 106, Nov. 14, 1983, 97 Stat. 975.

Pub. L. 98–107, §§ 102, 108, Oct. 1, 1983, 97 Stat. 740, 741.

Pub. L. 97–377, title I, § 111B, Dec. 21, 1982, 96 Stat. 1912.

Pub. L. 97–35, title XVII, § 1722, Aug. 13, 1981, 95 Stat. 759, as amended by Pub. L. 98–369, div. B, title II, § 2209, July 18, 1984, 98 Stat. 1061.

Pub. L. 96–499, title IV, § 412, Dec. 5, 1980, 94 Stat. 2607.

PROHIBITION OF 9-DIGIT ZIP CODE

Pub. L. 97–35, title XVII, § 1726, Aug. 13, 1981, 95 Stat. 761, prohibited Postal Service from implementing ZIP code system using more than 5 digits before Oct. 1, 1983, and prohibited executive agencies from taking action to conform mailing procedures to ZIP code system using more than 5 digits during the period from Aug. 13, 1981 to Dec. 31, 1982.

§ 404. Specific powers

(a) Subject to the provisions of section 404a, but otherwise without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) to provide philatelic services;

(6) to investigate postal offenses and civil matters relating to the Postal Service;

(7) to offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

(8) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

(b) Except as otherwise provided, the Governors are authorized to establish reasonable and equitable classes of mail and reasonable and equitable rates of postage and fees for postal services in accordance with the provisions of chapter 36. Postal rates and fees shall be reasonable and equitable and sufficient to enable the Postal Service, under best practices of honest, efficient, and economical management, to maintain and continue the development of postal services of the kind and quality adapted to the needs of the United States.

(c) The Postal Service shall maintain one or more classes of mail for the transmission of letters sealed against inspection. The rate for each such class shall be uniform throughout the United States, its territories, and possessions. One such class shall provide for the most expeditious handling and transportation afforded mail matter by the Postal Service. No letter of such a class of domestic origin shall be opened except under authority of a search warrant authorized by law, or by an officer or employee of the Postal Service for the sole purpose of determining an address at which the letter can be delivered, or pursuant to the authorization of the addressee.

(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

(A) shall consider—

(i) the effect of such closing or consolidation on the community served by such post office;

(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

(v) such other factors as the Postal Service determines are necessary; and

(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

(5) A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Regulatory Commission within 30 days after such determination is made available to such person under paragraph (3). The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(B) without observance of procedure required by law; or

(C) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

(6) For purposes of paragraph (5), any appeal received by the Commission shall—

(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

(e)(1) In this subsection, the term ''nonpostal service'' means any service that is not a postal service defined under section 102(5).

(2) Nothing in this section shall be considered to permit or require that the Postal Service provide any nonpostal service, except that the Postal Service may provide nonpostal services which were offered as of January 1, 2006, as provided under this subsection.

(3) Not later than 2 years after the date of enactment of the Postal Accountability and Enhancement Act, the Postal Regulatory Commission shall review each nonpostal service offered by the Postal Service on the date of enactment of that Act and determine whether that nonpostal service shall continue, taking into account—

(A) the public need for the service; and

(B) the ability of the private sector to meet the public need for the service.

(4) Any nonpostal service not determined to be continued by the Postal Regulatory Commission under paragraph (3) shall terminate.

(5) If the Postal Regulatory Commission authorizes the Postal Service to continue a nonpostal service under this subsection, the Postal Regulatory Commission shall designate whether the service shall be regulated under this title as a market dominant product, a competitive product, or an experimental product.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 94–421, § 9(a), Sept. 24, 1976, 90 Stat. 1310; Pub. L. 105–241, § 3, Sept. 28, 1998, 112 Stat. 1572; Pub. L. 109–435, title I, § 102(a), title IV, § 403(b)(2), title VI, § 604(a), title X, §§ 1006(a), 1010(e), Dec. 20, 2006, 120 Stat. 3200, 3227, 3241, 3258, 3261.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (d)(2)(B), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§ 651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The date of enactment of the Postal Accountability and Enhancement Act, referred to in subsec. (e)(3), is the date of enactment of Pub. L. 109–435, which was approved Dec. 20, 2006.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, § 403(b)(2), substituted ''Subject to the provisions of section 404a, but otherwise without'' for ''Without'' in introductory provisions.

Subsec. (a)(6) to (9). Pub. L. 109–435, § 102(a)(1), redesignated pars. (7) to (9) as (6) to (8), respectively, and struck out former par. (6), which read ''to provide, establish, change, or abolish special nonpostal or similar services;''.

Subsec. (b). Pub. L. 109–435, § 1010(e), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (b)(5). Pub. L. 109–435, § 604(a), substituted ''Postal Regulatory Commission'' for ''Postal Rate Commission''.

Subsec. (b)(6). Pub. L. 109–435, § 1006(a), added par. (6).

Subsec. (c). Pub. L. 109–435, § 1010(e), added subsec. (c). Former subsec. (c) redesignated (e).

Pub. L. 109–435, § 102(a)(2), added subsec. (c).

Subsecs. (d), (e). Pub. L. 109–435, § 1010(e), redesignated subsecs. (b) and (c) as (d) and (e), respectively.

1998—Subsec. (b)(2). Pub. L. 105–241 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

''(A) the effect of such closing or consolidation on the community served by such post office;

''(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

''(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

''(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

''(E) such other factors as the Postal Service determines are necessary.''

1976—Pub. L. 94–421 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title X, § 1006(b), Dec. 20, 2006, 120 Stat. 3258, provided that: ''This section [amending this section] and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act [Dec. 20, 2006].''

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9(b) of Pub. L. 94–421 provided that: ''The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title].''

EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71–10 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.

REFERENCES TO POSTAL RATE COMMISSION

Pub. L. 109–435, title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242, provided that: ''Whenever a reference is made in any provision of law (other than this Act [see Tables for classification] or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.''

§ 404a. Specific limitations

(a) Except as specifically authorized by law, the Postal Service may not—

(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

(3) obtain information from a person that provides (or seeks to provide) any product, and

then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.

(Added Pub. L. 109–435, title IV, § 403(a), Dec. 20, 2006, 120 Stat. 3226.)

§ 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 724.)

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.

§ 406. Postal services at Armed Forces installations

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 724.)

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.

§ 407. International postal arrangements

(a) It is the policy of the United States—

(1) to promote and encourage communications between peoples by efficient operation of international postal services and other international delivery services for cultural, social, and economic purposes;

(2) to promote and encourage unrestricted and undistorted competition in the provision of international postal services and other international delivery services, except where provision of such services by private companies may be prohibited by law of the United States;

(3) to promote and encourage a clear distinction between governmental and operational responsibilities with respect to the provision of international postal services and other international delivery services by the Government of the United States and by intergovernmental organizations of which the United States is a member; and

(4) to participate in multilateral and bilateral agreements with other countries to accomplish these objectives.

(b)(1) The Secretary of State shall be responsible for formulation, coordination, and oversight of foreign policy related to international postal services and other international delivery services and shall have the power to conclude postal treaties, conventions, and amendments related to international postal services and other international delivery services, except that the Secretary may not conclude any treaty, convention, or other international agreement (including those regulating international postal services) if such treaty, convention, or agreement would, with respect to any competitive product, grant an undue or unreasonable preference to the Postal Service, a private provider of international postal or delivery services, or any other person.

(2) In carrying out the responsibilities specified in paragraph (1), the Secretary of State shall exercise primary authority for the conduct of foreign policy with respect to international postal services and international delivery services, including the determination of United States positions and the conduct of United States participation in negotiations with foreign governments and international bodies. In exercising this authority, the Secretary—

(A) shall coordinate with other agencies as appropriate, and in particular, shall give full consideration to the authority vested by law or Executive order in the Postal Regulatory Commission, the Department of Commerce, the Department of Transportation, and the Office of the United States Trade Representative in this area;

(B) shall maintain continuing liaison with other executive branch agencies concerned with postal and delivery services;

(C) shall maintain continuing liaison with the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives;

(D) shall maintain appropriate liaison with both representatives of the Postal Service and representatives of users and private providers of international postal services and other international delivery services to keep informed of their interests and problems, and to provide such assistance as may be needed to ensure that matters of concern are promptly considered by the Department of State or (if applicable, and to the extent practicable) other executive branch agencies; and

(E) shall assist in arranging meetings of such public sector advisory groups as may be

established to advise the Department of State and other executive branch agencies in connection with international postal services and international delivery services.

(3) The Secretary of State shall establish an advisory committee (within the meaning of the Federal Advisory Committee Act) to perform such functions as the Secretary considers appropriate in connection with carrying out subparagraphs (A) through (D) of paragraph (2).

(c)(1) Before concluding any treaty, convention, or amendment that establishes a rate or classification for a product subject to subchapter I of chapter 36, the Secretary of State shall request the Postal Regulatory Commission to submit its views on whether such rate or classification is consistent with the standards and criteria established by the Commission under section 3622.

(2) The Secretary shall ensure that each treaty, convention, or amendment concluded under subsection (b) is consistent with the views submitted by the Commission pursuant to paragraph (1), except if, or to the extent, the Secretary determines, in writing, that it is not in the foreign policy or national security interest of the United States to ensure consistency with the Commission's views. Such written determination shall be provided to the Commission together with a full explanation of the reasons thereof, provided that the Secretary may designate which portions of the determination or explanation shall be kept confidential for reasons of foreign policy or national security.

(d) Nothing in this section shall be considered to prevent the Postal Service from entering into such commercial or operational contracts related to providing international postal services and other international delivery services as it deems appropriate, except that—

(1) any such contract made with an agency of a foreign government (whether under authority of this subsection or otherwise) shall be solely contractual in nature and may not purport to be international law; and

(2) a copy of each such contract between the Postal Service and an agency of a foreign government shall be transmitted to the Secretary of State and the Postal Regulatory Commission not later than the effective date of such contract.

(e)(1) In this subsection, the term ''private company'' means a private company substantially owned or controlled by persons who are citizens of the United States.

(2) With respect to shipments of international mail that are competitive products within the meaning of section 3631 that are exported or imported by the Postal Service, the Customs Service and other appropriate Federal agencies shall apply the customs laws of the United States and all other laws relating to the importation or exportation of such shipments in the same manner to both shipments by the Postal Service and similar shipments by private companies.

(3) In exercising the authority under subsection (b) to conclude new postal treaties and conventions related to international postal services and to renegotiate such treaties and conventions, the Secretary of State shall, to the maximum extent practicable, take such measures as are within the Secretary's control to encourage the governments of other countries to make available to the Postal Service and private companies a range of nondiscriminatory customs procedures that will fully meet the needs of all types of American shippers. The Secretary of State shall consult with the United States Trade Representative and the Commissioner of Customs in carrying out this paragraph.

(4) The provisions of this subsection shall take effect 6 months after the date of enactment of this subsection or such earlier date as the Bureau of Customs and Border Protection of the Department of Homeland Security may determine in writing.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 105–277, div. A, § 101(h) [title VI, § 633(a)], Oct. 21, 1998, 112 Stat. 2681–480, 2681–523; Pub. L. 109–435, title IV, § 405(a), Dec. 20, 2006, 120 Stat. 3229.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The date of enactment of this subsection, referred to in subsec. (e)(4), is the date of enactment of Pub. L. 109–435, which was approved Dec. 20, 2006.

AMENDMENTS

2006—Pub. L. 109–435 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (d) relating to responsibilities of the Secretary of State and the Postal Service for international postal arrangements.

1998—Pub. L. 105–277 substituted ''International Postal Arrangements'' for ''International postal arrangements'' in section catchline and amended text generally. Prior to amendment, text read as follows:

''(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

''(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.''

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title IV, § 405(b), Dec. 20, 2006, 120 Stat. 3232, provided that: ''Notwithstanding any provision of the amendment made by subsection (a) [amending this section], the authority of the United States Postal Service to establish the rates of postage or other charges on mail matter conveyed between the United States and other countries shall remain available to the Postal Service until—

''(1) with respect to market-dominant products, the date as of which the regulations promulgated under section 3622 of title 39, United States Code (as amended by section 201(a)) take effect; and

''(2) with respect to competitive products, the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect.''

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 FUNDS TO STATE DEPARTMENT

Pub. L. 105–277, § 101(h) [title VI, § 633(d)], Oct. 21, 1998, 112 Stat. 2681–480, 2681–524, provided that: ''In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code.''

§ 408. International money-order exchanges

The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 725.)

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.

§ 409. Suits by and against the Postal Service

(a) Except as otherwise provided in this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

(d)(1) For purposes of the provisions of law cited in paragraphs (2)(A) and (2)(B), respectively, the Postal Service—

(A) shall be considered to be a ''person'', as used in the provisions of law involved; and

(B) shall not be immune under any other doctrine of sovereign immunity from suit in Federal court by any person for any violation of any of those provisions of law by any officer or employee of the Postal Service.

(2) This subsection applies with respect to—

(A) the Act of July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'' (15 U.S.C. 1051 and following)); and

(B) the provisions of section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair or deceptive acts or practices.

(e)(1) To the extent that the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, engages in conduct with respect to any product which is not reserved to the United States under section 1696 of title 18, the Postal Service or other Federal agency (as the case may be)—

(A) shall not be immune under any doctrine of sovereign immunity from suit in Federal court by any person for any violation of Federal law by such agency or any officer or employee thereof; and

(B) shall be considered to be a person (as defined in subsection (a) of the first section of the Clayton Act) for purposes of—

(i) the antitrust laws (as defined in such subsection); and

(ii) section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

For purposes of the preceding sentence, any private carriage of mail allowable by virtue of section 601 shall not be considered a service reserved to the United States under section 1696 of title 18.

(2) No damages, interest on damages, costs or attorney's fees may be recovered, and no criminal liability may be imposed, under the antitrust laws (as so defined) from any officer or employee of the Postal Service, or other Federal agency acting on behalf of or in concert with the Postal Service, acting in an official capacity.

(3) This subsection shall not apply with respect to conduct occurring before the date of enactment of this subsection.

(f)(1) Each building constructed or altered by the Postal Service shall be constructed or altered, to the maximum extent feasible as determined by the Postal Service, in compliance with 1 of the nationally recognized model building codes and with other applicable nationally recognized codes.

(2) Each building constructed or altered by the Postal Service shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of zoning laws, land use laws, and applicable environmental laws of a State or subdivision of a State which would apply to the building if it were not a building constructed or altered by an establishment of the Government of the United States.

(3) For purposes of meeting the requirements of paragraphs (1) and (2) with respect to a building, the Postal Service shall—

(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Postal Service—

(i) a copy of such schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

Nothing in this subsection shall impose an obligation on any State or political subdivision to take any action under the preceding sentence, nor shall anything in this subsection require the Postal Service or any of its contractors to pay for any action taken by a State or political subdivision to carry out this subsection (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

(4) Appropriate officials of a State or a political subdivision of a State may make recommendations to the Postal Service concerning measures necessary to meet the requirements of paragraphs (1) and (2). Such officials may also make recommendations to the Postal Service concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Postal Service shall give due consideration to any such recommendations.

(5) In addition to consulting with local and State officials under paragraph (3), the Postal Service shall establish procedures for soliciting, assessing, and incorporating local community input on real property and land use decisions.

(6) For purposes of this subsection, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

(g)(1) Notwithstanding any other provision of law, legal representation may not be furnished by the Department of Justice to the Postal Service in any action, suit, or proceeding arising, in whole or in part, under any of the following:

(A) Subsection (d) or (e) of this section.

(B) Subsection (f) or (g) of section 504 (relating to administrative subpoenas by the Postal Regulatory Commission).

(C) Section 3663 (relating to appellate review).

The Postal Service may, by contract or otherwise, employ attorneys to obtain any legal representation that it is precluded from obtaining from the Department of Justice under this paragraph.

(2) In any circumstance not covered by paragraph (1), the Department of Justice shall, under section 411, furnish the Postal Service such legal representation as it may require, except that, with the prior consent of the Attorney General, the Postal Service may, in any such circumstance, employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

(3)(A) In any action, suit, or proceeding in a court of the United States arising in whole or in part under any of the provisions of law referred to in subparagraph (B) or (C) of paragraph (1), and to which the Commission is not otherwise a party, the Commission shall be permitted to appear as a party on its own motion and as of right.

(B) The Department of Justice shall, under such terms and conditions as the Commission and the Attorney General shall consider appropriate, furnish the Commission such legal representation as it may require in connection with any such action, suit, or proceeding, except that, with the prior consent of the Attorney General, the Commission may employ attorneys by contract or otherwise for that purpose.

(h) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service, subject to the restriction specified in section 2011(g).

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 97–258, § 2(k), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 109–435, title IV, § 404, Dec. 20, 2006, 120 Stat. 3227.)

HISTORICAL AND REVISION NOTES
1982 ACT

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
409(e)	31:724a (last sentence).	July 27, 1956, ch. 748, 70 Stat. 678, § 1302 (last sentence); added Aug. 12, 1970, Pub. L. 91–375, § 6(*l*)(3), 84 Stat. 782.

The words ''Notwithstanding the other provisions of this section'' are omitted as unnecessary.

REFERENCES IN TEXT

The Act of July 5, 1946, referred to in subsec. (d)(2)(A), is act July 5, 1946, ch. 540, 60 Stat. 427, as amended, popularly known as the Trademark Act of 1946 and also as the Lanham Act, which is classified generally to chapter 22 (§ 1051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1051 of Title 15 and Tables.

Section 5 of the Federal Trade Commission Act, referred to in subsecs. (d)(2)(B) and (e)(1)(B)(ii), is classified to section 45 of Title 15, Commerce and Trade.

The first section of the Clayton Act, referred to in subsec. (e)(1)(B), is classified to section 12 of Title 15, Commerce and Trade.

The date of enactment of this subsection, referred to in subsec. (e)(3), is the date of enactment of Pub. L. 109–435, which was approved Dec. 20, 2006.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, § 404(b), substituted ''Except as otherwise provided in this title,'' for ''Except as provided in section 3628 of this title,''.

Subsecs. (d) to (h). Pub. L. 109–435, § 404(a), added subsecs. (d) to (h) and struck out former subsecs. (d) and (e), which read as follows:

''(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

''(e) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service.''

1982—Subsec. (e). Pub. L. 97–258 added subsec. (e).

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.

§410. Application of other laws

(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 552a (records about individuals), section 552b (open meetings), section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped employees), section 3110 (restrictions on employment of relatives), section 3333 and chapters 72 (antidiscrimination; right to petition Congress) and 73 (suitability, security, and conduct of employees), section 5520 (withholding city income or employment taxes), and section 5532[1] (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

(4) the following provisions of title 40:

(A) sections 3114–3116, 3118, 3131, 3133, and 3141–3147; and

(B) chapters 37 and 173;

(5) the following provisions of title 41:

(A) sections 35–45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965);

(6) sections 2000d, 2000d–1—2000d–4 of title 42 (title VI, the Civil Rights Act of 1964);

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668);

(8) the provisions of the Act of August 12, 1968 (42 U.S.C. 4151–4156);

(9) chapter 39 of title 31;

(10) the Inspector General Act of 1978; and

(11) section 5520a of title 5.

(c) Subsection (b)(1) of this section shall not require the disclosure of—

(1) the name or address, past or present, of any postal patron;

(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

(4) information prepared for use in connection with proceedings under chapter 36 of this title;

(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500 square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 3142 of title 40.

(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 3145 of title 40, shall apply to the work under paragraph (1) of this subsection.

(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 91–656, §8(a), Jan. 8, 1971, 84 Stat. 1955; Pub. L. 93–340, §2, July 10, 1974, 88 Stat. 294; Pub. L. 94–82, title I, §101, Aug. 9, 1975, 89 Stat. 419; Pub. L. 94–409, §5(a), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 94–541, title II, §203, Oct. 18, 1976, 90 Stat. 2508; Pub. L. 95–454, title III, §302(c), title VII, §703(c)(4), Oct. 13, 1978, 92 Stat. 1146, 1217; Pub. L. 96–523, §1(c)(2), Dec. 12, 1980, 94 Stat. 3040; Pub. L. 100–496, §2(c)(2), Oct. 17, 1988, 102 Stat. 2456; Pub. L. 100–504, title I, §104(b), Oct. 18, 1988, 102 Stat. 2525; Pub. L. 103–82, title II, §202(g)(6), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103–94, §9(b)(2), Oct. 6, 1993, 107 Stat. 1010; Pub. L. 103–123, title VII, §708(a), Oct. 28, 1993, 107 Stat. 1272; Pub. L. 104–208, div. A, title I, §101(f) [title VI, §662(f)(1)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–382; Pub. L. 107–217, §3(k), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 108–178, §4(j), Dec. 15, 2003, 117 Stat. 2642.)

REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (b)(1), was repealed by Pub. L. 106–65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

Section 107 of title 20, known as the Randolph-Sheppard Act, referred to in subsec. (b)(3), is section 1 of act June 20, 1936, ch. 638, 49 Stat. 1559, as amended. The act of June 20, 1936, known as the Randolph-Sheppard Act and also popularly known as the Randolph-Sheppard Vending Stand Act, is classified generally to chapter 6A (§107 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title notes set out under section 107 of Title 20 and Tables.

The Walsh-Healey Act, referred to in subsec. (b)(5)(A), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title

[1] See References in Text note below.

41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

The Service Contract Act of 1965, referred to in subsec. (b)(5)(B), is Pub. L. 89–286, Oct. 22, 1965, 79 Stat. 1034, as amended, which is classified generally to chapter 6 (§ 351 et seq.) of Title 41. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 41 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), referred to in subsec. (b)(7), is section 19 of Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1609, which enacted section 668 of Title 29, Labor, and amended section 7902 of Title 5, Government Organization and Employees.

The provisions of the Act of August 12, 1968 (42 U.S.C. 4151–4156), referred to in subsec. (b)(8), probably means Pub. L. 90–480, Aug. 12, 1968, 82 Stat. 718, as amended, popularly known as the Architectural Barriers Act of 1968, which is classified generally to chapter 51 (§ 4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

The Inspector General Act of 1978, referred to in subsec. (b)(10), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Reorganization Plan numbered 14 of 1950 (title 5, appendix), referred to in subsec. (d)(2), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5.

AMENDMENTS

2003—Subsec. (d)(1). Pub. L. 108–178, § 4(j)(1), substituted ''section 3142 of title 40'' for ''section 276a of title 40''.

Subsec. (d)(2). Pub. L. 108–178, § 4(j)(2), substituted ''section 3145 of title 40'' for ''section 276c of title 40''.

2002—Subsec. (b)(4). Pub. L. 107–217 amended par. (4) generally. Prior to amendment, par. (4) read as follows: ''the following provisions of title 40:

''(A) sections 258a–258e (relating to condemnation proceedings);

''(B) sections 270a–270e (known as the Miller Act, relating to performance bonds);

''(C) sections 276a—276a–7 (known as the Davis-Bacon Act, relating to prevailing wages);

''(D) section 276c (relating to wage payments of certain contractors);

''(E) chapter 5 (the Contract Work Hours Standards Act); and

''(F) chapter 15 (the Government Losses in Shipment Act);''.

1996—Subsec. (b)(9). Pub. L. 104–208, § 101(f) [title VI, § 662(f)(1)(A)], struck out ''and'' at end.

Subsec. (b)(10). Pub. L. 104–208, § 101(f) [title VI, § 662(f)(1)(B)], substituted ''(10) the Inspector General Act of 1978; and'' for ''the provisions of section 8F of the Inspector General Act of 1978.''

1993—Subsec. (b)(8). Pub. L. 103–82, § 202(g)(6)(A), and Pub. L. 103–123, § 708(a)(1), amended par. (8) identically, striking out ''and'' at end.

Subsec. (b)(9). Pub. L. 103–123, § 708(a)(2), substituted ''chapter'' for ''Chapter'' in par. (9) relating to title 31.

Pub. L. 103–82, § 202(g)(6)(B), and Pub. L. 103–123, § 708(a)(2), amended par. (9), relating to title 31, identically, substituting ''; and'' for period at end.

Pub. L. 103–94, § 9(b)(2)(A), and Pub. L. 103–123, § 708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103–82, § 202(g)(6)(C), struck out such par. See below.

Pub. L. 103–82, § 202(g)(6)(C), struck out second par. (9) which provided for applicability to Postal Service of the provisions of section 8E of Inspector General Act of 1978.

Subsec. (b)(10). Pub. L. 103–94, § 9(b)(2)(A), and Pub. L. 103–123, § 708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103–82, § 202(g)(6)(C), struck out such par. See above.

Pub. L. 103–82, § 202(g)(6)(C), added par. (10).

Subsec. (b)(11). Pub. L. 103–94, § 9(b)(2)(B), added par. (11).

1988—Subsec. (b)(6) to (8). Pub. L. 100–504, § 104(b)(1)–(4), struck out ''and'' after semicolon in par. (6), substituted semicolon for period in par. (7), and substituted ''the provisions'' for ''The provisions'' and ''; and'' for period in par. (8).

Subsec. (b)(9). Pub. L. 100–504, § 104(b)(5), added par. (9) relating to section 8E of Inspector General Act.

Pub. L. 100–496 added par. (9) relating to chapter 39 of title 31.

1980—Subsec. (b)(1). Pub. L. 96–523 substituted ''section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped'' for ''3102 (employment of reading assistants for blind employees and interpreting assistants for deaf''.

1978—Subsec. (b)(1). Pub. L. 95–454 inserted provisions relating to reading and interpreting assistants, and substituted provisions respecting applicability of chapter 72 of title 5, for provisions respecting applicability of chapter 71 of title 5.

1976—Subsec. (b)(1). Pub. L. 94–409 inserted references to sections 552a and 552b of title 5.

Subsec. (b)(8). Pub. L. 94–541 added par. (8).

1975—Subsec. (b)(7). Pub. L. 94–82 added par. (7).

1974—Subsec. (b)(1). Pub. L. 93–340 inserted ''section 5520 (withholding city income or employment taxes),'' before ''and section 5532 (dual pay)''.

1971—Subsec. (b)(1). Pub. L. 91–656 inserted ''section 3110 (restrictions on employment of relatives),'' before ''section 3333'' and substituted ''no regulation'' for ''not regulation''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1993 AMENDMENTS; SAVINGS PROVISION

Amendment by Pub. L. 103–94 effective 120 days after Oct. 6, 1993, but not to release or extinguish any penalty, forfeiture, or liability incurred under amended provision, which is to be treated as remaining in force for purpose of sustaining any proper proceeding or action for enforcement of that penalty, forfeiture, or liability, and no provision of Pub. L. 103–94 to affect any proceedings with respect to which charges were filed on or before 120 days after Oct. 6, 1993, with orders to be issued in such proceedings and appeals taken therefrom as if Pub. L. 103–94 had not been enacted, see section 12 of Pub. L. 103–94, set out as an Effective Date; Savings Provision note under section 7321 of Title 5, Government Organization and Employees.

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100–504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100–504, set out

as a note under section 5 of Pub. L. 95–452 (Inspector General Act of 1978) in the Appendix to Title 5, Government Organization and Employees.

Amendment by Pub. L. 100–496 applicable with respect to all obligations incurred on or after Jan. 1, 1989, see section 14(c) of Pub. L. 100–496, set out as a note under section 3902 of Title 31, Money and Finance.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96–523, set out as a note under section 3102 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94–409, set out as an Effective Date note under section 552b of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–340 effective on 90th day following July 10, 1974, see section 3 of Pub. L. 93–340, set out as an Effective Date note under section 5520 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 8(b) of Pub. L. 91–656 provided that: ''The provisions of this section [amending this section] shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act [set out as an Effective Date note preceding section 101 of this title] for section 410 of title 39, United States Code, as enacted by that Act.''

EFFECTIVE DATE

Subsecs. (a), (b)(2) to (6), and (c)(1) to (3), (5), (6) of this section effective Apr. 13, 1971, pursuant to Resolution No. 71–14 of the Board of Governors, subsecs. (b)(1), relating to section 552 of Title 5, Government Organization and Employees, and (c)(4) effective Jan. 20, 1971 pursuant to Resolution No. 71–10 of the Board of Governors, and subsec. (d) 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.

APPLICABILITY OF HATCH ACT REFORM AMENDMENTS OF 1993 TO POSTAL EMPLOYEES

Pub. L. 103–94, § 7, Oct. 6, 1993, 107 Stat. 1005, as amended by Pub. L. 109–435, title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242, provided that: ''The amendments made by this Act [enacting sections 5520a and 7321 to 7326 of Title 5, Government Organization and Employees, and section 610 of Title 18, Crimes and Criminal Procedure, amending this section, sections 1216, 2302, 3302, and 3303 of Title 5, sections 602 and 603 of Title 18, and sections 1973d and 9904 of Title 42, The Public Health and Welfare, and omitting former sections 7321 to 7328 of Title 5] (except for the amendments made by section 8 [amending sections 2302 and 3303 of Title 5]), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Regulatory Commission, pursuant to sections 410(b) and 3604(e) [now 504(e)] of title 39, United States Code.''

§ 411. Cooperation with other Government agencies

Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 726.)

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.

§ 412. Nondisclosure of lists of names and addresses

(a) Except as specifically provided by subsection (b) or other law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

(b) The Postal Service shall provide to the Secretary of Commerce for use by the Bureau of the Census such address information, address-related information, and point of postal delivery information, including postal delivery codes, as may be determined by the Secretary to be appropriate for any census or survey being conducted by the Bureau of the Census. The provision of such information under this subsection shall be in accordance with such mutually agreeable terms and conditions, including reimbursability, as the Postal Service and the Secretary of Commerce shall deem appropriate.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 727; Pub. L. 103–430, § 4, Oct. 31, 1994, 108 Stat. 4394.)

AMENDMENTS

1994—Pub. L. 103–430 substituted ''(a) Except as specifically provided by subsection (b) or other law,'' for ''Except as specifically provided by law,'' and added subsec. (b).

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.

§ 413. Postal services at diplomatic posts

(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal

Service to perform postal services at such branch post offices through personnel designated by the Department of State.

(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

(d) Each agreement entered into under this section shall include—

(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location.

(Added Pub. L. 101–524, § 5(a), Nov. 6, 1990, 104 Stat. 2303.)

§ 414. Special postage stamps

(a) In order to afford the public a convenient way to contribute to funding for breast cancer research, the Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) The rate of postage established under this section—

(1) shall be equal to the regular first-class rate of postage, plus a differential of not less than 15 percent;

(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

(3) shall be offered as an alternative to the regular first-class rate of postage.

The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c)(1) Of the amounts becoming available for breast cancer research pursuant to this section, the Postal Service shall pay—

(A) 70 percent to the National Institutes of Health; and

(B) the remainder to the Department of Defense.

Payments under this paragraph to an agency shall be made under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

(2) For purposes of this section, the term ''amounts becoming available for breast cancer research pursuant to this section'' means—

(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

(d) It is the sense of the Congress that nothing in this section should—

(1) directly or indirectly cause a net decrease in total funds received by the National Institutes of Health, the Department of Defense, or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

(2) affect regular first-class rates of postage or any other regular rates of postage.

(e) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

(f) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

(1) the total amount described in subsection (c)(2)(A) which was received by the Postal Service during the period covered by such report; and

(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(2)(B).

(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

(h) This section shall cease to be effective after December 31, 2011.

(Added Pub. L. 105–41, § 2(a), Aug. 13, 1997, 111 Stat. 1119; amended Pub. L. 106–253, § 3(a), July 28, 2000, 114 Stat. 636; Pub. L. 107–67, title VI, § 650(b)(1), (c), Nov. 12, 2001, 115 Stat. 556, 557; Pub. L. 108–199, div. F, title V, § 541, Jan. 23, 2004, 118 Stat. 346; Pub. L. 109–100, § 1, Nov. 11, 2005, 119 Stat. 2170; Pub. L. 110–150, § 1, Dec. 21, 2007, 121 Stat. 1820.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105–41, which was approved Aug. 13, 1997.

AMENDMENTS

2007—Subsec. (h). Pub. L. 110–150 substituted ''2011'' for ''2007''.

2005—Subsec. (h). Pub. L. 109–100 substituted ''2007'' for ''2005''.

2004—Subsec. (h). Pub. L. 108–199 substituted ''2005'' for ''2003''.

2001—Subsec. (b). Pub. L. 107–67, §650(c), substituted ''of not less than 15 percent'' for ''of not to exceed 25 percent'' in par. (1) and inserted at end of concluding provisions ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''

Subsec. (g), (h). Pub. L. 107–67, §650(b)(1), added subsecs. (g) and (h) and struck out former subsec. (g) which read as follows: ''This section shall cease to be effective after July 29, 2002, or the end of the 2-year period beginning on the date of the enactment of the Semipostal Authorization Act, whichever is later.''

2000—Subsec. (g). Pub. L. 106–253 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.''

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–67, title VI, §650(b)(2), Nov. 12, 2001, 115 Stat. 557, provided that: ''The amendment made by this subsection [amending this section] shall take effect on the earlier of—

''(A) the date of enactment of this Act [Nov. 12, 2001]; or

''(B) July 29, 2002.''

REPORTING REQUIREMENTS

Pub. L. 110–150, §2, Dec. 21, 2007, 121 Stat. 1820, provided that: ''The National Institutes of Health and the Department of Defense shall each submit to Congress and the Government Accountability Office an annual report concerning the use of any amounts that it received under section 414(c) of title 39, United States Code, including a description of any significant advances or accomplishments, during the year covered by the report, that were funded, in whole or in part, with such amounts.''

REPORT BY COMPTROLLER GENERAL OF UNITED STATES

Pub. L. 106–253, §3(b), July 28, 2000, 114 Stat. 637, provided that: ''No later than 3 months and no earlier than 6 months before the date as of which section 414 of title 39, United States Code (as amended by this section) is scheduled to expire, the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall be in addition to the report required by section 2(b) of Public Law 105–41 [set out below], and shall address at least the same matters as were required to be included in that earlier report.''

Section 2(b) of Pub. L. 105–41 provided that: ''No later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414(g) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

''(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fund-raising; and

''(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.''

§415. Prohibition on restriction or elimination of services

The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(Added Pub. L. 105–241, §4(a), Sept. 28, 1998, 112 Stat. 1573.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in text, is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

§416. Authority to issue semipostals

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''semipostal'' means a postage stamp which is issued and sold by the Postal Service, at a premium, in order to help provide funding for a cause described in subsection (b); and

(2) the term ''agency'' means an Executive agency within the meaning of section 105 of title 5.

(b) DISCRETIONARY AUTHORITY.—The Postal Service is hereby authorized to issue and sell semipostals under this section in order to advance such causes as the Postal Service considers to be in the national public interest and appropriate.

(c) RATE OF POSTAGE.—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as they shall by regulation prescribe (in lieu of the procedures under chapter 36), except that—

(1) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not less than 15 percent; and

(2) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what they otherwise would have been if this section had not been enacted.

The use of any semipostal issued under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(d) AMOUNTS BECOMING AVAILABLE.—

(1) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

(2) IDENTIFICATION OF APPROPRIATE CAUSES AND AGENCIES.—Decisions concerning the identification of appropriate causes and agencies to receive amounts becoming available from the sale of a semipostal under this section shall be made in accordance with applicable regulations under subsection (e).

(3) DETERMINATION OF AMOUNTS.—

(A) IN GENERAL.—The amounts becoming available from the sale of a semipostal under this section shall be determined in a manner similar to that provided for under section 414(c)(2) (as in effect on July 1, 2000).

(B) ADMINISTRATIVE COSTS.—Regulations under subsection (e) shall specifically address how the costs incurred by the Postal Service in carrying out this section shall be computed, recovered, and kept to a minimum.

(4) OTHER FUNDING NOT TO BE AFFECTED.—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

(5) RECOVERY OF COSTS.—Before transferring to an agency in accordance with paragraph (1) any amounts becoming available from the sale of a semipostal over any period, the Postal Service shall ensure that it has recovered the full costs incurred by the Postal Service in connection with such semipostal through the end of such period.

(e) REGULATIONS.—

(1) IN GENERAL.—Except as provided in subsection (c), the Postal Service shall prescribe any regulations necessary to carry out this section, including provisions relating to—

(A) which office or other authority within the Postal Service shall be responsible for making the decisions described in subsection (d)(2);

(B) what criteria and procedures shall be applied in making those decisions; and

(C) what limitations shall apply, if any, relating to the issuance of semipostals (such as whether more than one semipostal may be offered for sale at the same time).

(2) NOTICE AND COMMENT.—Before any regulation is issued under this section, a copy of the proposed regulation shall be published in the Federal Register, and an opportunity shall be provided for interested parties to present written and, where practicable, oral comment. All regulations necessary to carry out this section shall be issued not later than 30 days before the date on which semipostals are first made available to the public under this section.

(f) ANNUAL REPORTS.—

(1) IN GENERAL.—The Postmaster General shall include in each report rendered under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of any program established under this section.

(2) SPECIFIC REQUIREMENT.—If any semipostal ceases to be offered during the period covered by such a report, the information contained in that report shall also include—

(A) the commencement and termination dates for the sale of such semipostal;

(B) the total amount that became available from the sale of such semipostal; and

(C) of that total amount, how much was applied toward administrative costs.

For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, with respect to that semipostal (for the year covered by such report), the information described in subparagraphs (B) and (C).

(g) TERMINATION.—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.

(Added Pub. L. 106–253, § 2(a), July 28, 2000, 114 Stat. 634; amended Pub. L. 107–67, title VI, § 652(c)(1), Nov. 12, 2001, 115 Stat. 557; Pub. L. 107–117, div. B, § 1201, Jan. 10, 2002, 115 Stat. 2335.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107–117 amended Pub. L. 107–67. See 2001 Amendment note below.

2001—Subsec. (c). Pub. L. 107–67, as amended by Pub. L. 107–117, substituted ''of not less than 15 percent'' for ''of not to exceed 25 percent'' in par. (1) and inserted at end of concluding provisions ''The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.''

EFFECTIVE DATE

Pub. L. 106–253, § 2(e), July 28, 2000, 114 Stat. 636, provided that: ''The program under section 416 of title 39, United States Code (as amended by this section) shall be established within 6 months after the date of the enactment of this Act [July 28, 2000].''

THE 9/11 HEROES STAMP

Pub. L. 107–67, title VI, § 652, Nov. 12, 2001, 115 Stat. 557, as amended by Pub. L. 107–117, div. B, § 1201, Jan. 10, 2002, 115 Stat. 2335, provided that:

''(a) SHORT TITLE.—This section may be cited as the '9/11 Heroes Stamp Act of 2001'.

''(b) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

''(c) REQUIREMENTS.—The provisions of section 416(a), (c), (d), and (f) of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

''(1) RATE OF POSTAGE.—[Amended subsec. (c) of this section.]

''(2) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

''(3) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

''(A) beginning on the earliest date practicable; and

''(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2004.

''(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

''(e) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

''(f) DEFINITIONS.—For purposes of this section—

''(1) the term 'emergency relief personnel' means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

''(2) the term 'semipostal' has the meaning given such term by section 416 of title 39, United States Code.''

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

DOMESTIC VIOLENCE SEMIPOSTAL STAMP

Pub. L. 107–67, title VI, § 653, Nov. 12, 2001, 115 Stat. 558, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Stamp Out Domestic Violence Act of 2001'.

''(b) IN GENERAL.—In order to afford the public a direct and tangible way to contribute to funding for domestic violence programs, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

''(c) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

''(1) DISPOSITION OF AMOUNTS BECOMING AVAILABLE.—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Department of Health and Human Services under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

''(2) COMMENCEMENT AND TERMINATION DATES.—Stamps under this section shall be issued—

''(A) beginning on the earliest date practicable, but not later than January 1, 2004; and

''(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2006.

''(d) LIMITATION.—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

''(e) DEFINITION.—For purposes of this section the term 'semipostal' has the meaning given such term by section 416 of title 39, United States Code.''

REPORTS BY AGENCIES

Pub. L. 106–253, § 2(b), July 28, 2000, 114 Stat. 636, provided that: ''Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection, with respect to such year, to the congressional committees with jurisdiction over the United States Postal Service. Each such report shall include—

''(1) the total amount of funding received by such agency under such section 416 during the year;

''(2) an accounting of how any funds received by such agency under such section 416 were allocated or otherwise used by such agency in such year; and

''(3) a description of any significant advances or accomplishments in such year that were funded, in whole or in part, out of amounts received by such agency under such section 416.''

REPORTS BY THE GOVERNMENT ACCOUNTABILITY OFFICE

Pub. L. 106–253, § 2(c), July 28, 2000, 114 Stat. 636, as amended by Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814, provided that:

''(1) INTERIM REPORT.—The Government Accountability Office shall submit to the President and each House of Congress an interim report on the operation of the program established under section 416 of title 39, United States Code (as amended by this section) not later than 4 years after semipostals are first made available to the public under such section.

''(2) FINAL REPORT.—The Government Accountability Office shall transmit to the President and each House of Congress a final report on the operation of the program established under such section 416, not later than 6 months before the date on which it is scheduled to expire. The final report shall contain a detailed statement of the findings and conclusions of the Government Accountability Office, together with any recommendations it considers appropriate.''

CHAPTER 5—POSTAL REGULATORY COMMISSION

Sec.
501. Establishment.
502. Commissioners.
503. Rules; regulations; procedures.
504. Administration.
505. Officer of the Postal Regulatory Commission representing the general public.

§ 501. Establishment

The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

(Added Pub. L. 109–435, title VI, § 601(a)(1), Dec. 20, 2006, 120 Stat. 3238.)

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title VI, § 601(b), Dec. 20, 2006, 120 Stat. 3239, provided that: ''The amendment made by subsection (a)(1) [enacting this section and section 502 of this title] shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604 [see Tables for classification]) under an appointment made before the date of enactment of this Act [Dec. 20, 2006] or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.''

ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS

Pub. L. 109–435, title VII, § 701, Dec. 20, 2006, 120 Stat. 3242, provided that:

''(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 5 years, submit a report to the President and Congress concerning—

''(1) the operation of the amendments made by this Act [see Tables for classification]; and

''(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

''(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).''

REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY

Pub. L. 109–435, title VII, § 702, Dec. 20, 2006, 120 Stat. 3243, provided that:

''(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

''(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act [Dec. 20, 2006], the

Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as 'universal service and the postal monopoly'), including the monopoly on the delivery of mail and on access to mailboxes.

''(2) CONTENTS.—The report under this subsection shall include—

''(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

''(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

''(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving services deficient in scope or quality or both; and

''(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

''(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act [set out as a note above]—

''(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

''(2) with respect to each recommended change described under paragraph (1)—

''(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

''(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

''(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

''(c) CONSULTATION.—In preparing the report required by this section, the Postal Regulatory Commission—

''(1) shall solicit written comments from the Postal Service and consult with the Postal Service and other Federal agencies, users of the mails, enterprises in the private sector engaged in the delivery of the mail, and the general public; and

''(2) shall address in the report any written comments received under this section.

''(d) CLARIFYING PROVISION.—Nothing in this section shall be considered to relate to any services that are not postal services within the meaning of section 102 of title 39, United States Code, as amended by section 101 of this Act.''

PROVISIONS RELATING TO COOPERATIVE MAILINGS

Pub. L. 109–435, title VII, § 711, Dec. 20, 2006, 120 Stat. 3248, provided that:

''(a) STUDY.—

''(1) IN GENERAL.—The Postal Regulatory Commission shall examine section E670.5.3 of the Domestic Mail Manual to determine whether it contains adequate safeguards to protect against—

''(A) abuses of rates for nonprofit mail; and

''(B) deception of consumers.

''(2) REPORT.—The Commission shall report the results of its examination to the Postal Service, along with any recommendations that the Commission determines appropriate.

''(b) FAILURE TO ACT.—If the Postal Service fails to act on the recommendations of the Commission, the Commission may take such action as it determines necessary to prevent abuse of rates or deception of consumers.''

§ 502. Commissioners

(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

(f) The Commissioners shall serve for terms of 6 years.

(Added Pub. L. 109–435, title VI, § 601(a)(1), Dec. 20, 2006, 120 Stat. 3238.)

REFERENCES IN TEXT

The Postal Accountability and Enhancement Act, referred to in subsec. (a), is Pub. L. 109–435, Dec. 20, 2006, 120 Stat. 3198. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 101 of this title and Tables.

EFFECTIVE DATE

Section not to affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission under an appointment made before Dec. 20, 2006, or any nomination made before that date, but when any such office becomes vacant, the appointment to fill that office to be made in accordance with this section, see section 601(b) of Pub. L. 109–435, set out as an Effective Date of 2006 Amendment note under section 501 of this title.

§ 503. Rules; regulations; procedures

The Postal Regulatory Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this title. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 759, § 3603; renumbered § 503 and amended Pub. L. 109–435, title VI, §§ 601(a)(3), 604(a), title X, 1010(c)(1), Dec. 20, 2006, 120 Stat. 3239, 3241, 3261.)

AMENDMENTS

2006—Pub. L. 109–435, § 1010(c)(1), substituted ''this title'' for ''this chapter''.

Pub. L. 109–435, § 604(a), substituted ''Postal Regulatory Commission'' for ''Postal Rate Commission''.

Pub. L. 109–435, § 601(a)(3), renumbered section 3603 of this title as this section.

§ 504. Administration

(a) The Chairman of the Postal Regulatory Commission shall be the principal executive officer of the Commission. The Chairman shall exercise or direct the exercise of all the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment of personnel employed under the Commission, except that the appointment of heads of major administrative units under the Commission shall require the approval of a majority of the members of the Commission, (2) the supervision of the personnel employed under the Commission and the distribution of business among them and among the Commissioners, and (3) the use and expenditure of funds.

(b) In carrying out any of his functions under this section, the Chairman shall be governed by the general policies of the Commission.

(c) The Chairman may obtain such facilities and supplies as may be necessary to permit the Commission to carry out its functions. Any officer or employee appointed under this section shall be paid at rates of compensation and shall be entitled to programs offering employee benefits established under chapter 10 or chapter 12 of this title, as appropriate.

(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission's expenses, including expenses for facilities, supplies, compensation, and employee benefits.

(e) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(4) For purposes of this subsection, the term ''covered person'' means an officer, employee, agent, or contractor of the Postal Service.

(g)(1) If the Postal Service determines that any document or other matter it provides to the Postal Regulatory Commission under a subpoena issued under subsection (f), or otherwise at the request of the Commission in connection with any proceeding or other purpose under this title, contains information which is described in section 410(c) of this title, or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission, in writing, of its determination (and the reasons therefor).

(2) Except as provided in paragraph (3), no officer or employee of the Commission may, with respect to any information as to which the Commission has been notified under paragraph (1)—

(A) use such information for purposes other than the purposes for which it is supplied; or

(B) permit anyone who is not an officer or employee of the Commission to have access to any such information.

(3)(A) Paragraph (2) shall not prohibit the Commission from publicly disclosing relevant information in furtherance of its duties under this title, provided that the Commission has adopted regulations under section 553 of title 5, that establish a procedure for according appropriate confidentiality to information identified by the Postal Service under paragraph (1). In determining the appropriate degree of confidentiality to be accorded information identified by the Postal Service under paragraph (1), the Commission shall balance the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets.

(B) Paragraph (2) shall not prevent the Commission from requiring production of information in the course of any discovery procedure established in connection with a proceeding under this title. The Commission shall, by regulations based on rule 26(c) of the Federal Rules of Civil Procedure, establish procedures for ensuring appropriate confidentiality for information furnished to any party.

(h)(1) Notwithstanding any other provision of this title or of the Inspector General Act of 1978, the authority to select, appoint, and employ officers and employees of the Office of Inspector General of the Postal Regulatory Commission, and to obtain any temporary or intermittent services of experts or consultants (or an organization of experts or consultants) for such Office, shall reside with the Inspector General of the Postal Regulatory Commission.

(2) Except as provided in paragraph (1), any exercise of authority under this subsection shall, to the extent practicable, be in conformance with the applicable laws and regulations that govern selections, appointments, and employment, and the obtaining of any such temporary or intermittent services, within the Postal Regulatory Commission.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 759, § 3604; Pub. L. 94–421, § 4, Sept. 24, 1976, 90 Stat. 1305; renumbered § 504 and amended Pub. L. 109–435, title VI, §§ 601(a)(3), 602, 603(a), 604(a), 605(b), Dec. 20, 2006, 120 Stat. 3239–3242.)

REFERENCES IN TEXT

Rule 26(c) of the Federal Rules of Civil Procedure, referred to subsec. (g)(3)(B), is set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

The Inspector General Act of 1978, referred to in subsec. (h)(1), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Pub. L. 109–435, § 601(a)(3), renumbered section 3604 of this title as this section.

Subsec. (a). Pub. L. 109–435, § 604(a), substituted ''Postal Regulatory Commission'' for ''Postal Rate Commission''.

Subsec. (d). Pub. L. 109–435, § 603(a), amended subsec. (d) generally. Prior to amendment, subsec. (d) related to preparation, submission, and approval of Commission's budget and payment of expenses incurred under approved budget.

Subsecs. (f), (g). Pub. L. 109–435, § 602, added subsecs. (f) and (g).

Subsec. (h). Pub. L. 109–435, § 605(b), added subsec. (h).

1976—Subsec. (a). Pub. L. 94–421 increased the authority of the Chairman to the exercise of all executive and administrative functions, including appointment of personnel and control over use and expenditure of funds, and struck out requirement that all final acts of the Commissioners be by a vote of an absolute majority.

Subsec. (b). Pub. L. 94–421 added subsec. (b). Former subsec. (b) redesignated (c) and amended.

Subsec. (c). Pub. L. 94–421 redesignated former subsec. (b) as (c), transferred authority to obtain facilities and supplies from the Commission to the chairman, and struck out the authority of the Commission to appoint and fix compensation of officers and employees and requiring them to be responsible to the Commissioners. Former subsec. (c) redesignated (d).

Subsecs. (d), (e). Pub. L. 94–421 redesignated former subsecs. (c) and (d) as (d) and (e), respectively, and in subsec. (d), as so redesignated, made minor changes in phraseology.

EFFECTIVE DATE OF 2006 AMENDMENT; SAVINGS PROVISIONS

Amendment by section 603(a) of Pub. L. 109–435 applicable with respect to fiscal years beginning on or after Oct. 1, 2008, subject to savings provisions, see section 603(d) of Pub. L. 109–435, set out as a note under section 8G of the Inspector General Act of 1978, Pub. L. 95–452, in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 11570. REGULATION OF CONDUCT FOR POSTAL RATE COMMISSION AND ITS EMPLOYEES

Ex. Ord. No. 11570, Nov. 24, 1970, 35 F.R. 18183, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

Under the Postal Reorganization Act (Public Law 91–375) [this title], the Postal Rate Commission [now Postal Regulatory Commission] (referred to hereafter as the ''Commission'') is charged with the establishment and adjustment of fair and equitable rates of postage, fees for postal services, and classifications of mail. It is essential to public confidence in the United States Postal Service that the activities, procedures, decisions, and recommendations of the Commission be impartial and disinterested and free from taint or suspicion of favoritism of any kind whatsoever, both in fact and in appearance.

NOW THEREFORE, by virtue of the authority vested in me by section 301 of Title 3, and Section 7301 of Title 5, United States Code, and the Postal Reorganization Act [this title], it is hereby ordered as follows:

SECTION 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965 [formerly set out as a note under section 201 of Title 18, Crimes and Criminal Procedure], ''Prescribing Standards of Ethical Conduct for Government Officers and Employees,'' and Part 735 of the regulations of the Office of Personnel Management (5 CFR Part 735).

SEC. 102. The Office of Personnel Management shall prepare initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Director of the Office of Personnel Management;

(b) strict control of *ex parte* contacts with the Commission and the Commissioners or employees of the Commission regarding particular matters at issue in contested proceedings before the Commission. The control of such contacts shall include, but not be limited to, the maintenance of public records of such contacts which fully identify the individuals involved and the nature of the subject matter discussed; and

(c) prohibition against the receipt of honoraria, travel expenses, entertainment, gifts, loans, favors, or anything of value by a Commissioner or employee of the Commission from an individual (other than one having a close family or personal relationship) or organization having, or likely to have, business with the Commission.

SEC. 103. The Office of Personnel Management shall issue the initial standards of conduct regulations applicable to the Commission not later than 120 days after the effective date of this Order. Thereafter, the Office may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the Federal Register.

§ 505. Officer of the Postal Regulatory Commission representing the general public

The Postal Regulatory Commission shall designate an officer of the Postal Regulatory Com-

mission in all public proceedings (such as developing rules, regulations, and procedures) who shall represent the interests of the general public.

(Added Pub. L. 109–435, title VI, § 601(a)(4), Dec. 20, 2006, 120 Stat. 3239.)

CHAPTER 6—PRIVATE CARRIAGE OF LETTERS

Sec.
601. Letters carried out of the mail.
602. Foreign letters out of the mails.
603. Searches authorized.
604. Seizing and detaining letters.
605. Searching vessels for letters.
606. Disposition of seized mail.

§ 601. Letters carried out of the mail

(a) A letter may be carried out of the mails when—

(1) it is enclosed in an envelope;

(2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;

(3) the envelope is properly addressed;

(4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;

(5) any stamps on the envelope are canceled in ink by the sender; and

(6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

(b) A letter may also be carried out of the mails when—

(1) the amount paid for the private carriage of the letter is at least the amount equal to 6 times the rate then currently charged for the 1st ounce of a single-piece first class letter;

(2) the letter weighs at least 12½ ounces; or

(3) such carriage is within the scope of services described by regulations of the United States Postal Service (including, in particular, sections 310.1 and 320.2–320.8 of title 39 of the Code of Federal Regulations, as in effect on July 1, 2005) that purport to permit private carriage by suspension of the operation of this section (as then in effect).

(c) Any regulations necessary to carry out this section shall be promulgated by the Postal Regulatory Commission.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 727; Pub. L. 109–435, title V, § 503(a), Dec. 20, 2006, 120 Stat. 3234.)

AMENDMENTS

2006—Subsecs. (b), (c). Pub. L. 109–435 added subsecs. (b) and (c) and struck out former subsec. (b) which read as follows: ''The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.''

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title V, § 503(b), Dec. 20, 2006, 120 Stat. 3235, provided that: ''This section [amending this section] shall take effect on the date as of which the regulations promulgated under section 3633 of title 39, United States Code (as amended by section 202) take effect [Dec. 10, 2007, 72 F.R. 63662, 64155].''

EFFECTIVE DATE

Chapter 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.

STUDY OF PRIVATE CARRIAGE OF MAIL: REPORTS TO PRESIDENT AND CONGRESS

Section 7 of Pub. L. 91–375 required the Board of Governors of the United States Postal Service to make a study of the restrictions on the private carriage of letters and packets and to submit a report and recommendations for modernization to the President and to the Congress within 2 years after the effective date of this section.

Provisions of section 7 of Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of this title.

§ 602. Foreign letters out of the mails

(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

(1) has not been regularly received from a United States post office; or

(2) does not relate to the cargo of the vessel.

(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 727.)

§ 603. Searches authorized

The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

(1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;

(2) article being, or having lately been, in the vehicle; or

(3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 727.)

§ 604. Seizing and detaining letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary

to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 728.)

§ 605. Searching vessels for letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 728.)

§ 606. Disposition of seized mail

Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 728.)

PART II—PERSONNEL

Chap.		Sec.
10.	**Employment Within the Postal Service**	**1001**
12.	**Employee-Management Agreements**	**1201**

CHAPTER 10—EMPLOYMENT WITHIN THE POSTAL SERVICE

Sec.
1001. Appointment and status.
1002. Political recommendations.
1003. Employment policy.
1004. Supervisory and other managerial organizations.
1005. Applicability of laws relating to Federal employees.
1006. Right of transfer.
1007. Seniority for employees in rural service.
1008. Temporary employees or carriers.
1009. Personnel not to receive fees.
1010. Administration of oaths related to postal inspection matters.
1011. Oath of office.

§ 1001. Appointment and status

(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Regulatory Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

(1) to direct officers and employees of the Postal Service in the performance of official duties;

(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the operations entrusted to it;

(5) to determine the methods, means, and personnel by which such operations are to be conducted;

(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 728; Pub. L. 109–435, title VI, § 604(a), Dec. 20, 2006, 120 Stat. 3241.)

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–435 substituted ''Postal Regulatory Commission'' for ''Postal Rate Commission''.

EFFECTIVE DATE

Section effective Mar. 1, 1971, pursuant to Resolution No. 71–13 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.