§ 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