

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].”

MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP

Pub. L. 111-241, Sept. 30, 2010, 124 Stat. 2605, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Multinational Species Conservation Funds Semipostal Stamp Act of 2010’.

“SEC. 2. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

“(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for the operations supported by the Multinational Species Conservation Funds, the United States Postal Service shall issue a semipostal stamp (hereinafter in this Act referred to as the ‘Multinational Species Conservation Funds Semipostal Stamp’) in accordance with succeeding provisions of this section.

“(b) COST AND USE.—

“(1) IN GENERAL.—The Multinational Species Conservation Funds Semipostal Stamp shall be offered at a cost equal to the cost of mailing a letter weighing 1 ounce or less at the nonautomation single-piece first-ounce letter rate, in effect at the time of purchase, plus a differential of not less than 15 percent.

“(2) VOLUNTARY USE.—The use of any semipostal issued under this section shall be voluntary on the part of postal patrons.

“(3) SPECIAL RATE.—The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

“(c) OTHER TERMS AND CONDITIONS.—The issuance and sale of the Multinational Species Conservation Funds Semipostal Stamp shall be governed by the provisions of section 416 of title 39, United States Code, and regulations issued under such section, subject to subsection (b) and the following:

“(1) DISPOSITION OF PROCEEDS.—

“(A) IN GENERAL.—All amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as determined under section 416(d) of such title 39) shall be transferred to the United States Fish and Wildlife Service, for the purpose described in subsection (a), through payments which shall be made at least twice a year, with the proceeds to be divided equally among the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Great Ape Conservation Fund, the Marine Turtle Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and other international wildlife conservation funds authorized by the Congress after the date of the enactment of this Act [Sept. 30, 2010] and administered by the Service as part of the Multinational Species Conservation Fund.

“(B) PROCEEDS NOT TO BE OFFSET.—In accordance with section 416(d)(4) of such title 39, amounts becoming available from the sale of the Multinational Species Conservation Funds Semipostal Stamp (as

so determined) shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished in any year to—

“(i) the United States Fish and Wildlife Service; or

“(ii) any of the funds identified in subparagraph (A).

“(2) DURATION.—The Multinational Species Conservation Funds Semipostal Stamp shall be made available to the public for a period of at least 2 years, beginning no later than 12 months after the date of the enactment of this Act [Sept. 30, 2010].

“(3) LIMITATION.—The Multinational Species Conservation Funds Semipostal Stamp shall not be subject to, or taken into account for purposes of applying, any limitation under section 416(e)(1)(C) of such title 39.

“(4) RESTRICTION ON USE OF FUNDS.—Amounts transferred under paragraph (1) shall not be used to fund or support the Wildlife Without Borders Program or to supplement funds made available for the Neotropical Migratory Bird Conservation Fund.

“(d) DEFINITION.—For purposes of this Act, the term ‘semipostal stamp’ refers to a stamp described in section 416(a)(1) of title 39, United States Code.”

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 organiza-

tions, 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.”