

TITLE 39
POSTAL SYSTEM

CHAPTERS

- 1 National Postal Service (§§ 101-113)**
- 2 Postal Crimes (§§ 201-244)**

CHAPTER 1
National Postal Service

SECTIONS

- § 101. Short title.
- § 102. National Postal Service.
- § 103. Postmaster General.
- § 104. Duties and responsibilities.
- § 105. State post offices and postmasters.
- § 106. Applicability of the National Public Service System Act.
- § 107. Exchange of mail—Outgoing mail.
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- § 109. Issuance and sale of stamps.
- § 110. Philatelic agent agreement.
- § 111. Agreement with United States.
- § 112. Audit.
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§ 101. Short title.

This chapter is known and may be cited as the “National Postal Service Act.”

Source: PL 3-13 § 1.

§ 102. National Postal Service.

There is established, as an independent agency of the National Government of the Federated States of Micronesia, the National Postal Service of the Federated States of Micronesia.

Source: PL 3-13 § 2.

Cross-reference: FSM Const., art. IX, § 2(j) states as follows:

Section 2. The following powers are expressly delegated to Congress:

- ...
- (j) to provide for a national postal system;
- ...

The provisions of the Constitution are found in Part I of this code.

§ 103. Postmaster General.

(1) There is established the Office of the Postmaster General of the Federated States of Micronesia. The Postmaster General shall be appointed by the President of the Federated States of Micronesia, subject to the advice and consent of the Congress of the Federated States of Micronesia. An appointment shall be for the term of the appointing President, and the Postmaster General shall submit his resignation to the President for his acceptance no later than 30 days after the inauguration of the President or at the time a new nominee for Postmaster General is confirmed by the Congress, whichever is earlier. The President may renominate the same Postmaster General subject to the advice and consent of the Congress.

(2) Prior to the appointment and confirmation of the Postmaster General under subsection (1) of this section, the President shall have the authority to exercise the powers and duties vested in the

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Postmaster General by this chapter and may appoint an interim Postmaster General to be paid at the rate of \$21,000 per annum.

Source: PL 3-13 § 3, modified.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 104. Duties and responsibilities.

The Postmaster General shall have the following duties and responsibilities:

- (1) to supervise the operations of the National Postal System;
- (2) to adopt postal rates and regulations pursuant to title 17 of this code and in accordance with section 108 of this chapter; and
- (3) to hire staff and perform such other duties and functions as may be necessary to carry out the provisions of this chapter.

Source: PL 3-13 § 4, modified.

Cross-reference: Title 17 of this code is on Administrative Procedure.

§ 105. State post offices and postmasters.

There shall be a Post Office in each of the four States under the supervision of a State postmaster who shall serve under the authority of the Postmaster General and be responsible for the operations of his respective State Post Office.

Source: PL 3-13 § 5.

§ 106. Applicability of the National Public Service System Act.

The Postmaster General and the State postmasters shall be exempt from the National Public Service System Act, but all other employees of the National Postal System shall be covered by that Act, except as may otherwise be provided by law.

Source: PL 3-13 § 6.

Cross-reference: The statutory provisions on Public Employment are found in title 52 of this code.

§ 107. Exchange of mail—Outgoing mail.

The Postmaster General shall see to it that mail shall be exchanged at one exchange office mutually agreed to by the United States and the Federated States of Micronesia designated in each of the four States, and that outgoing mail from the Federated States of Micronesia shall be merged with United States mail for conveyance to the United States or to other countries. Such outgoing mail from the Federated States of Micronesia shall be treated as though it were mail from the United States for dispatch, documentation, statistical, accounting, and settlement operations with other countries.

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Source: PL 3-13 § 7.

Cross-reference: Compact, tit. 2 (Economic Relations), art. II (Program Assistance), section 221(a)(3). See also, Federal Programs and Services Agreement (Compact Subsidiary Agreement), art. VI on Postal Services and Related Programs.

§ 108. Postal rates.

(1) Until such time as a new treaty relationship exists between the Federated States of Micronesia and the United States, United States domestic postal rates shall apply to mail exchanged between addresses in the Federated States of Micronesia and addresses in Palau, the Marshall Islands, and the United States.

(2) If at a later time a new treaty relationship exists between the Federated States of Micronesia and the United States then any separate United States established rates for service from the United States to the Federated States of Micronesia shall establish the ceiling and the floor for postage rates for mail from the Federated States of Micronesia to the United States and to the Marshall Islands and Palau.

(3) International postal rates applicable in the United States shall apply to mail from the Federated States of Micronesia to other countries.

(4) The Postmaster General may determine postal rates for internal mail to local addresses within the Federated States of Micronesia.

Source: PL 3-13 § 8.

Cross-reference: Compact, tit. 2 (Economic Relations), art. II (Program Assistance), section 221(a)(3). See also, Federal Programs and Services Agreement (Compact Subsidiary Agreement), art. VI on Postal Services and Related Programs.

§ 109. Issuance and sale of stamps.

(1) The Postmaster General shall be responsible for the issuance of postage stamps and other prescribed postal *indicia* which shall be used for prepayment of postage rates and other postal charges on all mail originating in the Federated States of Micronesia, except for mail sent through the Military Postal System which may be provided for should a new treaty relationship exist between the Federated States of Micronesia and the United States.

(2) Revenues derived from the sale of stamps issued by the Postmaster General for postal services or for philatelic purposes shall be deposited in the General Fund of the Federated States of Micronesia.

Source: PL 3-13 § 9.

Cross-reference: Compact, tit. 2 (Economic Relations), art. II (Program Assistance), section 221(a)(3). See also, Federal Programs and Services Agreement (Compact Subsidiary Agreement), art. VI on Postal Services and Related Programs.

§ 110. Philatelic agent agreement.

(1) Notwithstanding the provisions of this chapter, an agreement between the National Postal Service or the Federated States of Micronesia and a philatelic agent, for the issuance and philatelic sales

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of the postage stamps of this Nation, shall require the approval of the Congress of the Federated States of Micronesia by resolution.

(2) The Committee on Judiciary and Governmental Operations of the Congress of the Federated States of Micronesia shall have authority to approve such an agreement if the Congress is not in session.

Source: PL 3-13 § 13.

Cross-reference: The statutory provisions on the FSM Congress are found in title 3 of this code.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 111. Agreement with United States.

In carrying out the provisions of this chapter, the Postmaster General shall do so in accordance with the Agreement Concerning Postal Services Between the United States Postal Service and the Government of the Federated States of Micronesia.

Source: PL 3-13 § 11.

Cross-reference: Compact, tit. 2 (Economic Relations), art. II (Program Assistance), section 221(a)(3). See also, Federal Programs and Services Agreement (Compact Subsidiary Agreement), art. VI on Postal Services and Related Programs.

§ 112. Audit.

The Office of the Public Auditor shall audit the National Postal Service annually.

Source: PL 3-13 § 12.

Cross-reference: The statutory provisions on the Public Auditor are found in chapter 5 of title 55 (Government Finance and Contracts) of this code.

§ 113. Powers of postal inspectors.

(1) Subject to subsection (2) of this section, postal inspectors appointed by the Postmaster General may:

- (a) investigate postal crimes;
- (b) serve warrants and subpoenas issued under the authority of the Federated States of Micronesia;
- (c) make arrests without warrant for offenses against the Federated States of Micronesia committed in their presence;
- (d) make arrests without warrant for felonies cognizable under the laws of the FSM if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony; and
- (e) possess, use and carry firearms, ammunition or dangerous devices while on duty whenever authorized in writing by the Attorney General of the Federated States of Micronesia.

(2) The powers granted by subsection (1) of this section shall be exercised only in the enforcement of laws regarding:

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- (a) property of the Federated States of Micronesia in the custody of the Postal Service, including property of the Postal Service;
- (b) the use of the mails; or
- (c) other Postal offenses.

Source: PL 7-75 § 1.

Cross-reference: The statutory provisions on crimes are found in title 11 of this code. The statutory provisions on Postal Crimes are found in chapter 2 of this title.

CHAPTER 2
Postal Crimes

SECTIONS

- § 201. Short title.
- § 202. Jurisdiction.
- § 203. Applicability of National Criminal Code.
- § 204. Foreign mail as Federated States of Micronesia mail.
- § 205. Opening of mail for customs purposes—Authorized.
- § 206. Opening of mail for customs purposes—Rules and regulations.
- § 207. Carriage of mail generally.
- § 208. Carriage of matter out of mail over post routes.
- § 209. Private express for letters and packets prohibited.
- § 210. Transportation of persons acting as private express.
- § 211. Post office conducted without authority.
- § 212. Prompt delivery of mail.
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- § 215. Obstruction of correspondence.
- § 216. Delay or destruction of mail.
- § 217. Keys or locks stolen or reproduced.
- § 218. Destruction of letter boxes or mail.
- § 219. Damage to mail bags.
- § 220. Theft of property used by Postal Service.
- § 221. Theft of mail matter generally.
- § 222. Receipt of stolen mail matter generally.
- § 223. Theft of mail matter by officer or employee.
- § 224. Misappropriation of postal funds.
- § 225. Falsification of postal returns to increase compensation.
- § 226. Issuance of money orders without payment.
- § 227. Firearms as nonmailables.
- § 228. Injurious articles as nonmailable.
- § 229. Canceled stamps and envelopes.
- § 230. Sale or pledge of stamps.
- § 231. False evidence to secure second-class rate.
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- § 233. Postage unpaid on deposited mail matter.
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- § 237. Mailing indecent matter on wrappers or envelopes.
- § 238. Frauds and swindles.
- § 239. Fictitious name or address.
- § 240. False claims for postal losses.
- § 241. Money orders.
- § 242. Robbery of mail, money or other property of the Postal Service.

- § 243. **Burglary of post office.**
§ 244. **Confiscation of nonmailable items.**

§ 201. Short title.

This chapter shall be known and cited as the “Postal Crimes Act.”

Source: PL 3-38 § 101.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 202. Jurisdiction.

The offenses set out in this chapter are offenses against the National Government of the Federated States of Micronesia and come within the exclusive and original jurisdiction of the Trial Division of the Supreme Court of the Federated States of Micronesia.

Source: PL 3-38 § 102.

Cross-reference: FSM Const., art. XI, § 6. The provisions of the Constitution are found in Part I of this code.

The statutory provisions on the FSM Supreme Court are found in title 4 of this code.

§ 203. Applicability of National Criminal Code.

In enforcing and carrying out the provisions of this chapter, chapters 1, 2, 3, and 10 of title 11 of this code apply.

Source: PL 3-38 § 103.

Cross-reference: At the time that this section was enacted Chapters 1, 2, 3, and 10 of title 11 (Crimes) of this code were on General Provisions, Inchoate Crimes, General Principles of Responsibility, and Sentencing, respectively. At the time of this 2014 codification, chapter 10 is now on the FSM Weapons Control and chapter 12 is on Sentencing. Some of the provisions of title 11 were amended or repealed by PL 11-72, the Revised Criminal Code Act.

§ 204. Foreign mail as Federated States of Micronesia mail.

All foreign mail, while being transported across the territory of the Federated States of Micronesia under authority of law, is mail of the Federated States of Micronesia, and any offense in respect thereto shall be punishable as though it were Federated States of Micronesia mail.

Source: PL 3-38 § 104.

Cross-reference: Compact, tit. 2 (Economic Relations), art. II (Program Assistance), section 221(a)(3). See also, Federal Programs and Services Agreement (Compact Subsidiary Agreement), art. VI on Postal Services and Related Programs.

§ 205. Opening of mail for customs purposes—Authorized.

Designated customs personnel of the Federated States of Micronesia Department of Finance, Revenue Division, may, without a search warrant but upon reasonable cause to suspect that mail contains articles that are subject to duty or imported contrary to law, open and inspect the contents of

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mail which has originated outside the Federated States of Micronesia and is addressed for delivery inside the Federated States of Micronesia, upon the following terms and conditions:

(1) no customs personnel, nor any other person, may read, listen to, divulge, or transfer to any person other than the rightful owner any correspondence or recording contained in any mail.

(2) no customs personnel, nor any other person, may, without a search warrant, open, inspect, read, or seize any mail in the custody of the FSM Postal Service that has not originated outside the Federated States of Micronesia.

(3) if any designated customs person, in opening and inspecting the contents of mail pursuant to this section, finds articles which he has reasonable cause to believe are subject to duty or have been imported unlawfully, he shall seize the articles for disposition in accordance with the rules and regulations authorized to be promulgated by section 206 of this chapter.

Source: PL 4-24 § 1.

Cross-reference: The statutory provisions on import and export taxes are found in title 54 (Taxation and Customs) of this code.

§ 206. Opening of mail for customs purposes—Rules and regulations.

The Secretary of Finance shall, within 120 days of the effective date of PL 4-24, promulgate such rules and regulations as are necessary to effectuate the intent of section 205 of this chapter.

Source: PL 4-24 § 2.

Cross-reference: The statutory provisions on import and export taxes are found in title 54 (Taxation and Customs) of this code.

§ 207. Carriage of mail generally.

Whoever carries mail, collects, receives, or carries any letter or packet, contrary to law, shall be fined not more than \$100, or imprisoned not more than 30 days, or both.

Source: PL 3-38 § 201.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 208. Carriage of matter out of mail over post routes.

Whoever, having charge or control of any conveyance which regularly performs trips on any post route over which the mail is regularly carried, carries any letters or packets, except such as relate to some part of the cargo of such conveyance, or to the current business of the carrier, or to some article carried at the same time by the same conveyance, shall be fined not more than \$100.

Source: PL 3-38 § 202.

Cross-reference: FSM Const., art. IX, § 2(j) states as follows:

Section 2. The following powers are expressly delegated to Congress:

- ...
- (j) to provide for a national postal system;
- ...

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The provisions of the Constitution are found in Part I of this code.

§ 209. Private express for letters and packets prohibited.

(1) Whoever establishes any private express for the conveyance of letters or packets or in any manner causes or provides for the conveyance of the same by regular trips or at stated periods on any post route over which the mail is regularly carried shall be fined not more than \$500, or imprisoned not more than six months, or both. This section shall not prohibit any person from receiving and delivering to the nearest post office or other authorized depository for mail matter properly stamped.

(2) Whoever transmits by private express, or delivers to any agent thereof, or deposits at any appointed place, for the purpose of being so transmitted, any letter or packet shall be fined not more than \$100.

(3) This section shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation or by special messenger employed for the particular occasion only.

Source: PL 3-38 § 203.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 210. Transportation of persons acting as private express.

Whoever, having charge or control of any conveyance, knowingly conveys or permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of them for the purpose of conveying them contrary to law, shall be fined not more than \$200.

Source: PL 3-38 § 204.

§ 211. Post office conducted without authority.

Whoever, without authority from the Postal Service, sets up or establishes any office or place of business bearing the sign, name, or title of post office shall be fined not more than \$500.

Source: PL 3-38 § 205.

§ 212. Prompt delivery of mail.

(1) Whoever, having charge or control of delivering mail from an arriving vessel to the Postmaster or Post Office, fails to so deliver that mail, including all letters and packages within his power or control addressed to or destined for the Postmaster or Post Office, within three hours after it is available for such delivery, shall be fined not more than \$200.

(2) Whoever, having charge or control of delivering mail from an arriving aircraft to the Postmaster or Post Office, fails to so deliver that mail, including all letters and packages within his power or control addressed to or destined for the Postmaster or Post Office, within one hour after it is available for such delivery, shall be fined not more than \$200.

(3) Whoever, having charge or control of delivering mail from an arriving vessel or aircraft to the Postmaster or Post Office, or from the Postmaster or Post Office to a vessel or aircraft, engages in an unnecessary detour from the delivery route, shall be fined not more than \$200.

Source: PL 3-38 § 206; PL 5-66 § 1.

§ 213. Desertion of mails.

Whoever, having taken charge of any mail, voluntarily quits or deserts it before he has delivered it to the post office or to a Postal Service employee or official authorized to receive it shall be fined not more than \$500, or imprisoned not more than one year, or both.

Source: PL 3-38 § 207.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 214. Obstruction of mails generally.

Whoever knowingly and willfully obstructs or retards the passage of the mail or any carrier or conveyance carrying the mail shall be fined not more than \$200, or imprisoned not more than six months, or both.

Source: PL 3-38 § 208.

§ 215. Obstruction of correspondence.

Whoever takes any article of mail out of any post office or any authorized depository for mail matter, or from any mail carrier, or which has been in any post office or authorized depository or in the custody of any mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence or to pry into the business or secrets of another, or opens, secrets, embezzles, or destroys the same shall be fined not more than \$2,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 209.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 216. Delay or destruction of mail.

Whoever, being a Postal Service officer or employee, unlawfully secrets, destroys, detains, delays, or opens any article of mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, shall be fined not more than \$500, or imprisoned not more than three years, or both.

Source: PL 3-38 § 210.

§ 217. Keys or locks stolen or reproduced.

(1) Whoever steals, embezzles, or obtains by false pretense any key suited to any lock adopted by the Postal Service and in use on any of the mails or bags thereof, or any key to any authorized receptacle for the deposit or delivery of mail matter; or

(2) Whoever knowingly and unlawfully makes, forges, or counterfeits any such key or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

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(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any lock or part thereof, or key, used or designed for use by the Postal Service, to any person not duly authorized by the Postal Service to receive the same, unless the person receiving it is the contractor or his agent for furnishing the same or engaged in the manufacture thereof as authorized by the contract; shall be fined not more than \$500, or imprisoned not more than five years, or both.

Source: PL 3-38 § 211.

§ 218. Destruction of letter boxes or mail.

Whoever willfully or maliciously injures, tears down, or destroys any letter box or other receptacle intended or used for the receipt or delivery of mail, or breaks open the same or willfully or maliciously injures, defaces, or destroys any mail deposited therein shall be fined not more than \$1,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 212.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 219. Damage to mail bags.

Whoever tears, cuts, or otherwise damages any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail with intent to rob or steal any such mail or to render the same insecure shall be fined not more than \$1,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 213.

§ 220. Theft of property used by Postal Service.

Whoever steals or embezzles any property used by the Postal Service or appropriates any such property to his own or any other than its proper use, or conveys away such property to the hindrance or detriment of the public service, shall be fined not more than \$1,000, or imprisoned not more than three years, or both; but if the value of such property does not exceed \$100, he shall be fined not more than \$500, or imprisoned not more than one year, or both.

Source: PL 3-38 § 214.

§ 221. Theft of mail matter generally.

Whoever steals, destroys, or otherwise unlawfully takes any article of mail from a post office, a Postal Service officer, or any authorized mail receptacle or locale, shall be fined not more than \$2,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 215.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 222. Receipt of stolen mail matter generally.

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Whoever buys, receives, conceals, or unlawfully possesses any article of mail which has been stolen or otherwise unlawfully taken, knowing the same to have been stolen or otherwise unlawfully taken, shall be fined not more than \$1,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 216.

§ 223. Theft of mail matter by officer or employee.

Whoever, being a Postal Service officer or employee, embezzles any article of mail entrusted to him or which comes into his possession intended to be conveyed by mail, or steals or removes any of the contents of a parcel intended to be conveyed by mail, shall be fined not more than \$2,000, or imprisoned not more than three years, or both.

Source: PL 3-38 § 217.

§ 224. Misappropriation of postal funds.

Whoever, being a Postal Service officer or employee, loans, uses, pledges, or converts to his own use, except as authorized by law, any money or property coming under his control in the execution or under control of his office, employment, or service is guilty of embezzlement and shall be fined not more than \$5,000, or in a sum equal to the amount or value of the money or property embezzled, or imprisoned not more than five years, or both; but if the amount or value thereof does not exceed \$100, he shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

Source: PL 3-38 § 218.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 225. Falsification of postal returns to increase compensation.

Whoever, being a Postal Service officer or employee, makes a false return, statement, or account to any officer of the Federated States of Micronesia, or makes a false entry in any record book or account required by law to be kept in respect to the business or operations of any post office for the purpose of fraudulently increasing his compensation or the compensation of any officer or employee of the Postal Service shall be fined not more than \$500, or imprisoned not more than one year, or both.

Source: PL 3-38 § 219.

§ 226. Issuance of money orders without payment.

Whoever, being an officer or employee of the Postal Service, issues a money order without having previously received the money therefor shall be fined not more than \$500.

Source: PL 3-38 § 220.

§ 227. Firearms as nonmailables.

(1) Firearms are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service; provided, that firearms may be conveyed in the mails, under such regulations as the Postal Service may prescribe, to State or national law enforcement officers.

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(2) For purposes of this section, “firearm” means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, line-throwing, spearfishing, or industrial device.

(3) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, any firearm declared nonmailable by this section shall be fined not more than \$1,000, or imprisoned not more than two years, or both.

Source: PL 3-38 § 221.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Weapons Control are found in chapter 10 of title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 228. Injurious articles as nonmailable.

(1) All kinds of poison, and all articles and compositions containing poison, and controlled substances as defined in subsection (3) of section 1112 of title 11 of this code, and all poisonous animals, insects, reptiles, and all explosives, inflammable materials, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material which may kill or injure another, or injure the mails or other property, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any officer or employee of the Postal Service.

(2) The Postal Service may permit the transmission in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

(3) The transmission in the mails of poisonous drugs and medicines and controlled substances may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, and veterinarians under such rules and regulations as it shall prescribe.

(4) All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.

(5) All knives having a blade which opens automatically

- (a) by hand pressure applied to a button or other device in the handle of the knife, or
- (b) by operation of inertia, gravity, or both,

are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service.

(6) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, unless in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

(7) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by this section, whether or not transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster General, with intent to kill or injure another, or injure the mails or other property, shall be fined not more than \$10,000, or imprisoned not more than 20 years, or both.

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(8) Whoever is convicted of any crime prohibited by this section, which has resulted in the death of any person, shall be subject also to imprisonment for life, if the Court in its discretion so directs.

Source: PL 3-38 § 222; PL 5-66 § 2.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on the FSM Supreme Court are found in title 4 of this code.

§ 229. Canceled stamps and envelopes.

- (1) Whoever uses or attempts to use in payment of postage any canceled postage stamp; or
- (2) Whoever removes, attempts to remove, or assists in removing the canceling or defacing marks from any postage stamp or the superscription from any stamped envelope, package, or postal card that has once been used in payment of postage with the intent to use the same for a like purpose; or
- (3) Whoever sells or offers to sell the same; or
- (4) Whoever knowingly possesses any such postage stamp, stamped envelope, package, or postal card with intent to use the same; or
- (5) Whoever knowingly sells or offers to sell any such postage stamp, stamped envelope, package, or postal card; or
- (6) Whoever uses or attempts to use the same in payment of postage; or
- (7) Whoever unlawfully and willfully removes from any mail matter any stamp attached thereto in payment of postage; or
- (8) Whoever knowingly uses in payment of postage any postage stamp, postal card, postal package, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose; shall be fined not more than \$500, or imprisoned not more than one year, or both; but if he is a person employed in the Postal Service, he shall be fined not more than \$500, or imprisoned not more than three years, or both.

Source: PL 3-38 § 223.

§ 230. Sale or pledge of stamps.

Whoever, being a Postal Service officer or employee, knowingly and willfully:

- (1) uses or disposes of postage stamps, stamped envelopes, or postal cards entrusted to his care or custody in the payment of debts or in the purchase of merchandise or other salable articles, or sells or disposes of them except for cash; or
 - (2) sells or disposes of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or
 - (3) sells or disposes of stamped envelopes for a larger or less sum than is charged therefor by the Postal Service for like quantities; or
 - (4) sells or disposes of postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such officer or employee is employed; or
 - (5) inflates or induces the inflation of the receipts of any post office for the purpose of increasing the emoluments or compensation of any Postal Service officer or employee; or
 - (6) sells or disposes of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law or regulation;
- shall be fined not more than \$500, or imprisoned not more than one year, or both.

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Source: PL 3-38 § 224.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 231. False evidence to secure second-class rate.

Whoever knowingly submits to any officer or employee of the Postal Service any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate for transportation in the mails shall be fined not more than \$500.

Source: PL 3-38 § 225.

§ 232. Avoidance of postage by using lower class matter.

(1) Matter of the second-class, third-class, or fourth-class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, unless by direction of a duly authorized officer of the Postal Service such postage shall be remitted.

(2) Whoever knowingly conceals or encloses any matter of a higher class in that of a lower class and deposits the same for conveyance by mail at a lower rate than would be charged for such higher class matter shall be fined not more than \$100.

Source: PL 3-38 § 226.

§ 233. Postage unpaid on deposited mail matter.

Whoever knowingly and willfully deposits any mailable matter on which no postage has been paid in any receptacle established, approved, or accepted by the Postal Service for the receipt or delivery of mail matter with intent to avoid payment of lawful postage thereon shall for each offense be fined not more than \$300.

Source: PL 3-38 § 227.

§ 234. Postage collected unlawfully.

Whoever, being a Postal Service officer or employee authorized to receive the postage of mail matter, fraudulently demands or receives any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter shall be fined not more than \$100, or imprisoned not more than six months, or both.

Source: PL 3-38 § 228.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 235. Mailing threatening communications.

(1) Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or

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reward for the release of any kidnapped person, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

(2) Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$5,000 or imprisoned not more than ten years, or both.

(3) Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$1,000 or imprisoned not more than three years, or both.

(4) Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both.

Source: PL 5-66 § 3.

§ 236. Libelous matter on wrappers or envelopes.

(1) All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which is written or printed or otherwise impressed or apparent any delineation, epithet, term, or language of libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, is nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postal Service shall prescribe.

(2) Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Source: PL 5-66 § 4.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 237. Mailing indecent matter on wrappers or envelopes.

(1) All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, and all postal cards upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, or obscene character are written or printed or otherwise impressed or apparent, are nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postal Service shall prescribe.

(2) Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable matter, or knowingly takes the same from the mails for the purpose of circulating or

disposing of or aiding in the circulating or disposition of the same, shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

Source: PL 5-66 § 5.

§ 238. Frauds and swindles.

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything represented to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Source: PL 5-66 § 6.

§ 239. Fictitious name or address.

Whoever, for the purpose of conducting, promoting, or carrying on by means of the Postal Service, any scheme or device mentioned in section 238 of this chapter or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Source: PL 5-66 § 7, modified.

§ 240. False claims for postal losses.

(1) Whoever makes, alleges, or presents any claim or application for indemnity for the loss of any registered or insured letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or

(2) Whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, makes or uses any false statement, certificate, affidavit, or deposition; or

(3) Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and willfully conceals any material fact or circumstance in respect of any such claim or application for indemnity shall be fined not more than \$500 or imprisoned not more than one year, or both; provided, however, that if the amount of such claim or application for indemnity is less than \$100 only a fine shall be imposed.

Source: PL 5-66 § 8, modified.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 241. Money orders.

(1) Whoever, with intent to defraud, falsely makes, forges, counterfeits, engraves, or prints any order in imitation of or purporting to be a blank money order or a money order issued by or under the direction of the Postal Service; or

(2) Whoever forges or counterfeits the signature or initials of any person authorized to issue money orders upon or to any money order, postal note, or blank therefor provided or issued by or under the direction of the Postal Service, or post office department or corporation of any foreign country, and payable in the Federated States of Micronesia, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereof; or

(3) Whoever falsely alters, in any material respect, any such money order or postal note; or

(4) Whoever, with intent to defraud, passes, utters or publishes or attempts to pass, utter or publish any such forged or altered money order or postal note, knowing any material initials, signature, stamp impression or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or

(5) Whoever issues any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the Federated States of Micronesia or Postal Service, or any officer, employee, or agent thereof, any sum of money whatever; or

(6) Whoever embezzles, steals, or knowingly converts to his own use or to the use of another, or without authority converts or disposes of any blank money order form provided by or under the authority of the Postal Service; or

(7) Whoever receives or possesses any such money order form with the intent to convert it to his own use or gain or use or gain of another knowing it to have been embezzled, stolen or converted; or

(8) Whoever, with intent to defraud the Federated States of Micronesia, the Postal Service, or any person, transmits, presents, or causes to be transmitted or presented, any money order or postal note knowing the same:

(a) To contain any forged or counterfeited signature, initials, or any stamped impression, or

(b) To contain any material alteration therein unlawfully made, or

(c) To have been unlawfully issued without previous payment of the amount required to be paid upon such issue, or

(d) To have been stamped without lawful authority; or

(9) Whoever steals, or with intent to defraud or without being lawfully authorized by the Postal Service, receives, possesses, disposes of or attempts to dispose of any postal money order machine or any stamp, tool, or instrument specifically designed to be used in preparing or filling out the blanks on postal money order forms shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Source: PL 5-66 § 9, modified.

Cross-reference: FSM Const., art. IX, § 2(j) states as follows:

Section 2. The following powers are expressly delegated to Congress:

...
(j) to provide for a national postal system;

...

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The provisions of the Constitution are found in Part I of this code.

§ 242. Robbery of mail, money or other property of the Postal Service.

Whoever assaults any person having lawful charge, control, or custody of any mail matter or of any money or other property of the Postal Service, with intent to rob, steal, or purloin such mail matter, money, or other property of the Postal Service, or robs any such person of mail matter, or of any money, or other property of the Postal Service, shall, for the first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery he wounds the person having custody of such mail, money, or other property of the Postal Service, or puts his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned not more than 20 years.

Source: PL 5-66 § 10.

Cross-reference: The statutory provisions on Crimes are found in title 11 of this code. The statutory provisions on Criminal Procedure are found in title 12 of this code.

§ 243. Burglary of post office.

Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Source: PL 5-66 § 11, modified.

§ 244. Confiscation of nonmailable items.

The Postmaster General or his designee may confiscate any item declared nonmailable by this act which is placed in the mail. Items so confiscated shall be turned over to the Attorney General of the Federated States of Micronesia for proper disposition. Nonmailable items may be confiscated regardless of whether or not the person sending or receiving such items is prosecuted for a violation of this Act.

Source: PL 5-66 § 12.