

TITLE 39

POSTAL SYSTEM

CHAPTERS

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CHAPTER 1

National Postal Service

SECTIONS

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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 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.

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 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:
- (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.