

Federal properties shall be transferred to the Postal Service and which shall remain under the jurisdiction of any other department, agency, or establishment of the Government of the United States upon the commencement of operations of the Postal Service. The transfer shall be accomplished at the time of or as near as possible to the commencement of operations of the Postal Service and the valuation of the assets and capital of the Postal Service shall be adjusted accordingly. The following properties shall be included in the transfer:

(1) the mail equipment shops located in Washington, District of Columbia;

(2) all machinery, equipment, and appurtenances of the former Post Office Department;

(3) all real property whose ownership was acquired by the Postmaster General under former section 2103 of this title, as in effect immediately prior to the effective date of this section, or which immediately prior to such effective date, is under the administration of the former Post Office Department for the purpose of constructing a postal building from funds appropriated or transferred to the former Post Office Department, together with all funds appropriated or allocated therefor;

(4) all real property 55 percent or more of which is occupied by or under control of the former Post Office Department immediately prior to the effective date of this section;

(5) all contracts, records, and documents relating to the operation of the departmental service and the postal field service of the former Post Office Department; and

(6) all other property and assets of the former Post Office Department.

(d) After the commencement of operations of the Postal Service, the President is authorized to transfer to the Postal Service, and the Postal Service is authorized to transfer to other departments, agencies, or independent establishments of the Government of the United States, with or without reimbursement, any property of that department, agency, or independent establishment and the Postal Service, respectively, when the public interest would be served by such transfer.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 738; Pub. L. 109-435, title IV, § 401(b)(2), Dec. 20, 2006, 120 Stat. 3225.)

#### REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (c)(3), (4), is July 1, 1971. See Effective Date note set out under section 2001 of this title.

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-435 substituted “Fund and the balance in the Competitive Products Fund,” for “Fund.”

#### ASSETS OF POSTAL SERVICE

Section 4(b) of Pub. L. 91-375 provided that: “Postal revenues and fees collected on and after the effective date of this section [see note below] shall be considered assets of the Postal Service.”

Provisions of section 4(b) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Reg-

ister, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

#### EX. ORD. NO. 11672. TRANSFER OR FURNISHING OF PROPERTY

Ex. Ord. No. 11672, June 6, 1972, 37 F.R. 11455, provided:

By virtue of the authority vested in me by the Postal Reorganization Act (39 U.S.C. 2002(d)) and section 301 of title 3 of the United States Code, and as President of the United States it is hereby ordered as follows:

SECTION 1. The authority conferred upon the President by section 2002(d) of title 39 of the United States Code is hereby delegated to the Administrator of General Services subject to the provisions of this order.

SEC. 2. Property transferred to the Postal Service under this order shall be subject to reimbursement at fair market value, as agreed to by the Administrator of General Services and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation, or transfer without reimbursement, is more equitable or better serves the public interest.

SEC. 3. Reimbursement of fair market value required for property transfers to the Postal Service under this order may consist of cash payments or, subject to approval by the Director of the Office of Management and Budget, property transferred from the Postal Service to other departments, agencies, or independent establishments of the Government of the United States, or both cash and approved properties.

SEC. 4. Heads of agencies furnishing property to the Postal Service under section 411 of title 39 of the United States Code shall require reimbursement at fair market value of such property or at a rate based on appropriate commercial charges for comparable property, as agreed to by the agency head and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation is more equitable or better serves the public interest.

SEC. 5. Delegations of authority made in this order may be redelegated.

RICHARD NIXON.

#### § 2003. The Postal Service Fund

(a) There is established in the Treasury of the United States a revolving fund to be called the Postal Service Fund which shall be available to the Postal Service without fiscal-year limitation to carry out the purposes, functions, and powers authorized by this title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available).

(b) Except as otherwise provided in section 2011, there shall be deposited in the Fund, subject to withdrawal by check by the Postal Service—

(1) revenues from postal and nonpostal services rendered by the Postal Service;

(2) amounts received from obligations issued by the Postal Service;

(3) amounts appropriated for the use of the Postal Service;

(4) interest which may be earned on investments of the Fund;

(5) any other receipts of the Postal Service;

(6) the balance in the Post Office Department Fund established under former section 2202 of title 39 as of the commencement of operations of the Postal Service;

(7) amounts (including proceeds from the sale of forfeited items) from any civil forfeiture conducted by the Postal Service;

(8) any transfers from the Secretary of the Treasury from the Department of the Treas-

ury Forfeiture Fund which shall be available to the Postmaster General only for Federal law enforcement related purposes; and

(9) any amounts collected under section 3018.

(c) If the Postal Service determines that the moneys of the Fund are in excess of current needs, it may request the investment of such amounts as it deems advisable by the Secretary of the Treasury in obligations of, or obligations guaranteed by, the Government of the United States, and, with the approval of the Secretary, in such other obligations or securities as it deems appropriate.

(d) With the approval of the Secretary of the Treasury, the Postal Service may deposit moneys of the Fund in any Federal Reserve bank, any depository for public funds, or in such other places and in such manner as the Postal Service and the Secretary may mutually agree.

(e)(1) The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978. The Postmaster General shall transfer from the Fund to the Secretary of the Treasury for deposit in the Department of the Treasury Forfeiture Fund amounts appropriate to reflect the degree of participation of Department of the Treasury law enforcement organizations (described in section 9703(p)<sup>1</sup> of title 31) in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by the Postal Service. Neither the Fund nor any of the funds credited to it shall be subject to apportionment under the provisions of subchapter II of chapter 15 of title 31.

(2) Funds appropriated to the Postal Service under section 2401 of this title shall be apportioned as provided in this paragraph. From the total amounts appropriated to the Postal Service for any fiscal year under the authorizations contained in section 2401 of this title, the Secretary of the Treasury shall make available to the Postal Service 25 percent of such amount at the beginning of each quarter of such fiscal year.

(f) Notwithstanding any other provision of this section, any amounts appropriated to the Postal Service under subsection (d) of section 2401 of this title and deposited into the Fund shall be expended by the Postal Service only for the purposes provided in such subsection.

(g) Notwithstanding any provision of section 8147 of title 5, whenever the Secretary of Labor furnishes a statement to the Postal Service indicating an amount due from the Postal Service under subsection (b) of that section, the Postal Service shall make the deposit required pursuant to that statement (and any additional payment under subsection (c) of that section, to the extent that it relates to the period covered by

such statement) not later than 30 days after the date on which such statement is so furnished. Any deposit (and any additional payment) which is subject to the preceding sentence shall, once made, remain available without fiscal year limitation.

(h) Liabilities of the former Post Office Department to the Employees' Compensation Fund (appropriations for which were authorized by former section 2004, as in effect before the effective date of this subsection) shall be liabilities of the Postal Service payable out of the Fund.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 739; Pub. L. 94-421, §2(c), Sept. 24, 1976, 90 Stat. 1304; Pub. L. 97-35, title XVII, §1725, Aug. 13, 1981, 95 Stat. 760; Pub. L. 97-258, §3(l)(1), Sept. 13, 1982, 96 Stat. 1066; Pub. L. 99-500, §101(m) [title II, §201(b)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-314, and Pub. L. 99-591, §101(m) [title II, §201(b)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-314; Pub. L. 100-690, title VI, §6252, Nov. 18, 1988, 102 Stat. 4362; Pub. L. 101-239, title IV, §4004(a), Dec. 19, 1989, 103 Stat. 2135; Pub. L. 102-393, title VI, §638(g), Oct. 6, 1992, 106 Stat. 1790; Pub. L. 105-33, title VII, §7003(a)(2)(B), (b), Aug. 5, 1997, 111 Stat. 663; Pub. L. 109-435, title IV, §401(b)(3), title VI, §603(c)(2), title X, §1008(c)(1), Dec. 20, 2006, 120 Stat. 3225, 3241, 3260.)

#### REFERENCES IN TEXT

Former section 2202 of title 39, referred to in subsec. (a)(6), means section 2202 of former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

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

Section 9703(p) of title 31, referred to in subsec. (e)(1), probably means the section 9703 of title 31 added by section 638(b)(1) of Pub. L. 102-393, title VI, Oct. 6, 1992, 106 Stat. 1779.

Section 2004, as in effect before the effective date of this subsection, referred to in subsec. (h), means section 2004 of this title, as in effect before Oct. 1, 1997. Section 2004 was repealed by Pub. L. 105-33, title VII, §7003(a)(1), Aug. 5, 1997, 111 Stat. 663.

#### CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-435, §401(b)(3)(A), substituted “title (other than any of the purposes, functions, or powers for which the Competitive Products Fund is available)” for “title”.

Subsec. (b). Pub. L. 109-435, §401(b)(3)(B), substituted “Except as otherwise provided in section 2011, there” for “There”.

Subsec. (b)(9). Pub. L. 109-435, §1008(c)(1), added par. (9).

Subsec. (e)(1). Pub. L. 109-435, §603(c)(2), substituted “The Fund shall be available for the payment of (A) all expenses incurred by the Postal Service in carrying out its functions as provided by law, subject to the same limitation as set forth in the parenthetical matter under subsection (a); (B) all expenses of the Postal Regulatory Commission, subject to the availability of amounts appropriated under section 504(d); and (C) all expenses of the Office of Inspector General, subject to the availability of amounts appropriated under section 8G(f) of the Inspector General Act of 1978.” for “The Fund shall be available for the payment of all expenses incurred by the Postal Service in carrying out its functions as provided by law and, subject to the provisions

<sup>1</sup> See References in Text note below.

of section 3604 of this title, all of the expenses of the Postal Rate Commission.”

1997—Subsec. (e)(2). Pub. L. 105-33, § 7003(a)(2)(B), substituted “section 2401” for “sections 2401 and 2004” in two places.

Subsec. (h). Pub. L. 105-33, § 7003(b), added subsec. (h). 1992—Subsec. (b)(8). Pub. L. 102-393, § 638(g)(1), added par. (8).

Subsec. (e)(1). Pub. L. 102-393, § 638(g)(2), inserted after first sentence “The Postmaster General shall transfer from the Fund to the Secretary of the Treasury for deposit in the Department of the Treasury Forfeiture Fund amounts appropriate to reflect the degree of participation of Department of the Treasury law enforcement organizations (described in section 9703(p) of title 31) in the law enforcement effort resulting in the forfeiture pursuant to laws enforced or administered by the Postal Service.”

1989—Subsec. (g). Pub. L. 101-239 added subsec. (g).

1988—Subsec. (b)(7). Pub. L. 100-690 struck out “administrative” after “civil” and “under title 18” after “Service”.

1986—Subsec. (b)(7). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title II, § 201(b)(1)-(3)], added par. (7).

Subsec. (e)(1). Pub. L. 99-500 and Pub. L. 99-591, § 101(m) [title II, § 201(b)(4)], substituted “as provided by law” for “under this title”.

1982—Subsec. (e)(1). Pub. L. 97-258 substituted “subchapter II of chapter 15 of title 31” for “section 665 of title 31”.

1981—Subsec. (e). Pub. L. 97-35 redesignated existing provisions as par. (1) and added par. (2).

1976—Subsec. (f). Pub. L. 94-421 added subsec. (f).

#### EFFECTIVE DATE OF 2006 AMENDMENT; SAVINGS PROVISIONS

Amendment by section 603(c)(2) of Pub. L. 109-435 applicable with respect to fiscal years beginning on or after Oct. 1, 2008, subject to savings provisions, see section 603(d) of Pub. L. 109-435, set out as a note under section 8G of the Inspector General Act of 1978, Pub. L. 95-452, in the Appendix to Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Section 7003(c) of Pub. L. 105-33 provided that:

“(1) IN GENERAL.—This section [amending this section and repealing section 2004 of this title] and the amendments made by this section shall take effect on the date of the enactment of this Act [Aug. 5, 1997] or October 1, 1997, whichever is later.

“(2) PROVISIONS RELATING TO PAYMENTS FOR FISCAL YEAR 1998.—

“(A) AMOUNTS NOT YET PAID.—No payment may be made to the Postal Service Fund, on or after the date of the enactment of this Act, pursuant to any appropriation for fiscal year 1998 authorized by section 2004 of title 39, United States Code (as in effect before the effective date of this section).

“(B) AMOUNTS PAID.—If any payment to the Postal Service Fund is or has been made pursuant to an appropriation for fiscal year 1998 authorized by such section 2004, then, an amount equal to the amount of such payment shall be paid from such Fund into the Treasury as miscellaneous receipts before October 1, 1998.”

#### EFFECTIVE DATE OF 1989 AMENDMENT

Section 4004(b) of Pub. L. 101-239 provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1989.”

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 1727 of Pub. L. 97-35 provided that: “The provisions of this subtitle [subtitle B (§§ 1721-1727) of title XVII of Pub. L. 97-35, amending this section and section 2401 of this title and enacting provisions set out as notes under sections 403, 2004, and 2401 of this title] (other than section 1726 and this section) shall take effect

on October 1, 1981. The provisions of sections 1726 [enacting a provision set out as a note under section 403 of this title] and this section [enacting this provision] shall take effect on the date of the enactment of this Act [Aug. 13, 1981].”

#### CONTRIBUTIONS BY UNITED STATES POSTAL SERVICE TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Pub. L. 100-203, title VI, § 6002, Dec. 22, 1987, 101 Stat. 1330-276, provided that:

“(a) ESTABLISHMENT OF POSTAL SERVICE ESCROW FUND.—There is established as a separate account in the United States Treasury, the ‘Postal Service Escrow Fund’. Such Fund shall—

“(1) have such amounts described under subsection (b)(2) deposited no later than October 31, 1988;

“(2) not be available for expenditures of any amounts therein during the existence of such Fund; and

“(3) cease to exist on October 1, 1989, and on such date all amounts deposited in such Fund under subsection (b)(2) shall be deposited in the Postal Service Fund established under section 2003 of title 39, United States Code.

“(b) DEPOSIT OF CERTAIN SAVINGS IN CERTAIN FUNDS.—

“(1) FISCAL YEAR 1988.—From all funds available to the United States Postal Service in fiscal year 1988, the Postal Service shall deposit into the Civil Service Retirement and Disability Fund established under section 8348 of title 5, United States Code, an amount of \$350,000,000 in fiscal year 1988, in addition to any amount deposited pursuant to subsection (h) of such section.

“(2) FISCAL YEAR 1989.—From all funds available to the United States Postal Service in fiscal year 1989, the Postal Service shall deposit into the Postal Service Escrow Fund an amount of \$465,000,000 no later than October 31, 1988.

“(c) CAPITAL LIMITATIONS FOR FISCAL YEARS 1988 AND 1989.—

“(1) The United States Postal Service may not make any commitment or obligation to expend any monies deposited in the Postal Service Fund established under section 2003 of title 39, United States Code, for the capital investment program—

“(A) in excess of \$625,000,000 in fiscal year 1988; and

“(B) in excess of \$1,995,000,000 in fiscal year 1989.

“(2) CAPITAL INVESTMENT PROGRAMS.—For the purposes of paragraph (1) the term ‘capital investment program’ shall include all investments in long-term assets and capital investment expenditures (including direct and indirect costs associated with such investments and expenditures, such as obligations through contracts).”

#### [§ 2004. Repealed. Pub. L. 105-33, title VII, § 7003(a)(1), Aug. 5, 1997, 111 Stat. 663]

Section, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 739, authorized appropriations to ensure a sound financial transition for the Postal Service.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1997, with special provisions relating to payments for fiscal year 1998, see section 7003(c) of Pub. L. 105-33, set out as an Effective Date of 1997 Amendment note under section 2003 of this title.

#### § 2005. Obligations

(a)(1) The Postal Service is authorized to borrow money and to issue and sell such obligations as it determines necessary to carry out the purposes of this title, other than any of the purposes for which the corresponding authority is available to the Postal Service under section 2011. The aggregate amount of obligations issued