

TRANSFER OF FUNCTIONS; ABOLITION OF OFFICE

Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, provided that: "There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished."

Provisions of section 4(a) 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 Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(e)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382, provided that:

"(1) FIRST APPOINTMENT.—The first Inspector General of the United States Postal Service appointed pursuant to the amendments made by this section [amending sections 102, 202, 204, 410, and 1003 of this title, section 5315 of Title 5, Government Organization and Employees, and section 8G of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, and renumbering another section 8G of the Inspector General Act of 1978 as 8H] shall be appointed before the end of the 90-day period beginning on the date of the enactment of this Act [Sept. 30, 1996].

"(2) TRANSFERS.—

"(A) IN GENERAL.—All measures described in section 8G(b) of the Inspector General Act of 1978 necessary to establish an Office of Inspector General within the United States Postal Service pursuant to this section, including all appropriate transfers, shall occur—

"(i) no earlier than the date the appointment under paragraph (1) is made; and

"(ii) no later than 60 days after the date the appointment under paragraph (1) is made.

"(B) PROVISIONS RELATING TO PERSONNEL.—

"(i) CONSULTATION.—Decisions concerning which personnel are to be transferred pursuant to subparagraph (A) shall be made by the Governors (within the meaning of section 102(3) of title 39, United States Code) in consultation with the Inspector General appointed under paragraph (1).

"(ii) TRANSFERRED PERSONNEL.—Personnel transferred pursuant to subparagraph (A) shall, to the extent not inconsistent with other provisions of this subsection, be transferred in accordance with applicable laws and regulations relating to the transfer of functions within the United States Postal Service, except that, notwithstanding any provision of section 1003(b) of title 39, United States Code, as amended by this section, the classification and compensation of such personnel shall not be reduced, by reason of having been transferred, for 1 year after being so transferred.

"(3) TRANSITION PROVISION.—The Chief Postal Inspector may continue to serve as Inspector General of the United States Postal Service until the date on which an Inspector General is appointed under paragraph (1) or, if earlier, the end of the period referred to in such paragraph. Compensation for any service under this paragraph shall be determined as if this section had not been enacted."

§ 202. Board of Governors

(a)(1) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of

whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of \$30,000 a year plus \$300 a day for not more than 42 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 42 days.

(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(b)(1) The terms of the 9 Governors shall be 7 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term. A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

(2) No person may serve more than 2 terms as a Governor.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

(e)(1) The Governors shall appoint and shall have the power to remove the Inspector General.

(2) The Inspector General shall be appointed—

(A) for a term of 7 years;

(B) without regard to political affiliation; and

(C) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General may at any time be removed upon the written concurrence of at least 7 Governors, but only for cause. Nothing in this subsection shall be considered to exempt the Governors from the requirements of section 8G(e) of the Inspector General Act of 1978.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 98-81, §2, Aug. 23, 1983, 97 Stat. 487; Pub. L. 99-190, §144, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §§644(a), 662(a)(1)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-366, 3009-378; Pub. L. 109-435, title V, §501(a)(1), (b), (c)(1), (d)(1), Dec. 20, 2006, 120 Stat. 3232, 3233.)

REFERENCES IN TEXT

Section 8G of the Inspector General Act of 1978, referred to in subsec. (e), is section 8G of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-435, §501(a)(1), designated existing provisions as par. (1) and substituted “The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.” for “The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.”

Subsec. (a)(2). Pub. L. 109-435, §501(b), added par. (2).

Subsec. (b). Pub. L. 109-435, §501(d)(1), designated existing provisions as par. (1) and added par. (2).

Pub. L. 109-435, §501(c)(1), which directed amendment of first sentence by substituting “7 years” for “9 years”, was executed by making substitution for “9 years” the first place appearing in first sentence, to reflect the probable intent of Congress.

1996—Subsec. (a). Pub. L. 104-208, §101(f) [title VI, §644(a)], substituted “\$30,000 a year” for “\$10,000 a year”.

Subsec. (e). Pub. L. 104-208, §101(f) [title VI, §662(a)(1)], added subsec. (e).

1985—Subsec. (a). Pub. L. 99-190 substituted “42” for “30” in two places.

1983—Subsec. (b). Pub. L. 98-81 inserted provision that a Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-435, title V, §501(a)(2), Dec. 20, 2006, 120 Stat. 3232, provided that: “The amendment made by paragraph (1) [amending this section] shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date of enactment of this Act [Dec. 20, 2006]; however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act [Dec. 20, 2006].”

Pub. L. 109-435, title V, §501(c)(2), Dec. 20, 2006, 120 Stat. 3233, provided that:

“(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] and such person may continue to serve the remainder of the applicable term.

“(B) VACANCY BY INCUMBENT BEFORE 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 7 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 7-year term.

“(C) VACANCY BY INCUMBENT AFTER 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 7 years or more of that term, that term shall be deemed to have been a 7-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 7-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be a 7-year term under this subparagraph.”

Pub. L. 109-435, title V, §501(d)(2), Dec. 20, 2006, 120 Stat. 3233, provided that: “The amendments made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §644(b)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-366, provided that: “Subsection (a) [amending this section] shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act [Sept. 30, 1996].”

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SAVINGS PROVISION

Payment to Governors of Board of Governors of Postal Service of \$300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note set out above], notwithstanding this section, see section 5(g) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.