

postal service under this subsection, the Postal Regulatory Commission shall designate whether the service shall be regulated under this title as a market dominant product, a competitive product, or an experimental product.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 94–421, §9(a), Sept. 24, 1976, 90 Stat. 1310; Pub. L. 105–241, §3, Sept. 28, 1998, 112 Stat. 1572; Pub. L. 109–435, title I, §102(a), title IV, §403(b)(2), title VI, §604(a), title X, §§1006(a), 1010(e), Dec. 20, 2006, 120 Stat. 3200, 3227, 3241, 3258, 3261.)

Editorial Notes

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (d)(2)(B), is Pub. L. 91–596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

The date of enactment of the Postal Accountability and Enhancement Act, referred to in subsec. (e)(3), is the date of enactment of Pub. L. 109–435, which was approved Dec. 20, 2006.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, §403(b)(2), substituted “Subject to the provisions of section 404a, but otherwise without” for “Without” in introductory provisions.

Subsec. (a)(6) to (9). Pub. L. 109–435, §102(a)(1), redesignated pars. (7) to (9) as (6) to (8), respectively, and struck out former par. (6), which read “to provide, establish, change, or abolish special nonpostal or similar services;”.

Subsec. (b). Pub. L. 109–435, §1010(e), added subsec. (b). Former subsec. (b) redesignated (d).

Subsec. (b)(5). Pub. L. 109–435, §604(a), substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

Subsec. (b)(6). Pub. L. 109–435, §1006(a), added par. (6). Subsec. (c). Pub. L. 109–435, §1010(e), added subsec. (c). Former subsec. (c) redesignated (e).

Pub. L. 109–435, §102(a)(2), added subsec. (c). Subsecs. (d), (e). Pub. L. 109–435, §1010(e), redesignated subsecs. (b) and (c) as (d) and (e), respectively.

1998—Subsec. (b)(2). Pub. L. 105–241 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

“(A) the effect of such closing or consolidation on the community served by such post office;

“(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(E) such other factors as the Postal Service determines are necessary.”

1976—Pub. L. 94–421 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title X, §1006(b), Dec. 20, 2006, 120 Stat. 3258, provided that: “This section [amending this

section] and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act [Dec. 20, 2006].”

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94–421, §9(b), Sept. 24, 1976, 90 Stat. 1311, provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title].”

EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71–9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71–10 of the Board of Governors. See section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

REFERENCES TO POSTAL RATE COMMISSION

Pub. L. 109–435, title VI, §604(f), Dec. 20, 2006, 120 Stat. 3242, provided that: “Whenever a reference is made in any provision of law (other than this Act [see Tables for classification] or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.”

§ 404a. Specific limitations

(a) Except as specifically authorized by law, the Postal Service may not—

(1) establish any rule or regulation (including any standard) the effect of which is to preclude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.

(Added Pub. L. 109–435, title IV, §403(a), Dec. 20, 2006, 120 Stat. 3226.)

§ 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Director of the Government Publishing Office