

AN ACT

To establish a national postal system, and for related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIL ERA KELULAU DO ENACT AS FOLLOWS:

1           Section 1.     Short title.   This Act shall be known and  
2 may be cited as the "Palau National Postal Organization Act".

3           Section 2.     Definitions.   As used in this Act, unless  
4 context clearly requires otherwise:

5           (a) "Person" means any individual, corporation, associa-  
6 tion, partnership, joint venture, trust, or other group, how-  
7 ever organized;

8           (b) "Postal Service" means the Republic of Palau Postal  
9 Service;

10          Section 3.     Establishment of Postal Service.   There is  
11 hereby established an executive department to be known as the  
12 Republic of Palau Postal Service, which shall be administered  
13 under the supervision and direction of a Postmaster. The  
14 Postmaster shall be appointed by the President, with the advise  
15 and consent of the Senate, and shall serve at the pleasure of  
16 the President. The Service shall be organized in a form  
17 determined by the President in an Executive Order which shall  
18 be consistent with international guidelines for the operation  
19 of postal services and any agreement between the United States  
20 of America and the Republic with respect to the operation of  
21 postal services.

22          Section 4.     General duties; Exclusive authority.

23          (a) The Postal Service shall provide adequate and  
24 efficient postal services at fair and reasonable rates and  
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1 fees. Rates and fees shall be established pursuant to the  
2 regulation or rate-making provisions in the applicable  
3 Administrative Procedures Act, ensuring public input in the  
4 rate-making process. The Postal Service shall receive, trans-  
5 mit, and deliver written and printed matter, parcels, and like  
6 materials and provide such other services incidental thereto  
7 as it finds appropriate to its functions and in the public  
8 interest.

9 (b) No State shall compete with, impose restrictions  
10 on, tax, license or otherwise interfere with the Postal Service.

11 Section 5. General powers. The Postal Service shall  
12 have the following general powers:

13 (a) to adopt, amend, and repeal such rules and regula-  
14 tions as it deems necessary to accomplish the objectives of  
15 this Act pursuant to the applicable Administrative Procedures  
16 Act;

17 (b) to hire, retain, dismiss or suspend employees  
18 pursuant to the applicable Public Service law of the Republic;

19 (c) to enter into contracts to procure materials,  
20 expertise, or services;

21 (d) to acquire such personal or real property, or any  
22 interest therein, as it deems necessary in the transaction of  
23 its business;

24 (e) to construct, operate and maintain buildings,  
25 facilities, equipment and other improvements on any property  
26 owned or controlled by it;

27 (f) to have all other powers incidental, necessary, or  
28 appropriate to the carrying on of its functions.

29 Section 6. Specific powers. Without limitation of its  
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1 general powers, the Postal Service shall have the following  
2 specific powers:

3 (a) to provide for the collection, handling, transpor-  
4 tation, delivery, forwarding, returning, and holding of mail,  
5 and for the disposition of undeliverable mail;

6 (b) to prescribe the amount of postage and the manner  
7 in which it is to be paid;

8 (c) to provide and sell postage stamps and other stamped  
9 paper, cards, and envelopes and to provide such other evidences  
10 of payment of postage and fees as may be necessary or  
11 desirable;

12 (d) to provide or contract for philatelic services;

13 (e) to establish and use an official seal;

14 (f) to join or participate in any international or  
15 postal forum;

16 (g) to provide for the safe and expeditious transporta-  
17 tion of mail by aircraft or ocean vessel and to contract with  
18 any air carrier or ocean vessel for the transportation of  
19 mail; and

20 (h) to rent mail boxes.

21 Section 7. International postal arrangements.

22 (a) The Postmaster, at the direction and consent of  
23 the President, may negotiate and conclude postal treaties or  
24 conventions, and may establish the rates of postage or other  
25 charges on mail conveyed between the Republic of Palau and  
26 other countries. Any postal treaty or convention shall be  
27 ratified by a vote of a majority of the members of each house  
28 of the Olbiil Era Kelulau.

29 (b) The Postal Service shall transmit a copy of every  
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1 postal convention concluded with other governments to the  
2 Minister of State, who shall furnish a copy of the same to the  
3 Olbiil Era Kelulau.

4 Section 8. Audit, expenditures, record-keeping, appro-  
5 priation pursuant to Unified National Budget.

6 (a) The accounts and operations of the Postal Service  
7 shall be audited by the Public Auditor at such time as he may  
8 determine but no less frequently than once annually. The  
9 Public Auditor's report shall be transmitted to the Olbiil Era  
10 Kelulau no later than 30 days after the audit.

11 (b) The Postal Service shall keep and maintain accurate  
12 records of all transactions of the Service.

13 (c) At least once every three years, the Postal Service  
14 shall obtain a certification from an independent, certified  
15 public accounting firm of the accuracy of all financial state-  
16 ments, accounts, and other records of the Postal Service.

17 (d) All funds received by the Postal Service shall be  
18 deposited in the national treasury, to be appropriated in  
19 accordance with the Unified National Budget Procedures Act.

20 Section 9. Prohibited acts; penalties.

21 (a) Whoever establishes any private express for the  
22 conveyance of mail, or in any manner causes or provides for the  
23 conveyance of the same by regular trips or at stated periods,  
24 shall be fined \$5,000, imprisoned for one year, or both. This  
25 section shall not prohibit any person from receiving and  
26 delivering to the nearest post office, postal car, or other  
27 authorized depository for mail matter any mail properly  
28 stamped. This section shall not prohibit the conveyance or  
29 transmission of mail by private hands without compensation, or  
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1 wherever fewer than ten pieces of mail are conveyed or trans-  
2 mitted.

3 (b) Whoever knowingly and willfully obstructs or retards  
4 the passage of the mail, or any carrier or conveyance carrying  
5 the mail, shall be fined \$500, imprisoned six months, or both.

6 (c) Whoever takes any letter, postal card, or package  
7 out of any, post office or any authorized depository for mail  
8 matter, or from any mail carrier, or which has been in any  
9 post office or authorized depository, or in the custody of any  
10 mail carrier, before it has been delivered to the person to  
11 whom it was directed, with design to obstruct the correspon-  
12 dence, or pry into the business or secrets of another, or  
13 opens, embezzles, or destroys the same, shall be fined \$5,000,  
14 imprisoned for one year, or both.

15 (d) Any Postal Service employee or officer who unlaw-  
16 fully destroys, detains, delays, or opens any letter, postal  
17 card, package, bag, or mail entrusted to him or which shall  
18 come into his possession, and which was intended to be conveyed  
19 by mail, or carried or delivered by an employee of the Postal  
20 Service, shall be fined \$5,000, imprisoned for one year, or  
21 both.

22 (e) Whoever steals, embezzles, or obtains by false  
23 pretense any key suited to any lock adopted by the Postal  
24 Service, or who knowingly and willfully makes, forges or  
25 counterfeits any such key, with the intent unlawfully or  
26 improperly to use, sell, or otherwise dispose of the same or  
27 to cause the same to be unlawfully or improperly used, sold,  
28 or otherwise disposed of, shall be fined \$5,000, imprisoned  
29 for one year, or both.

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1 (f) Whoever steals, takes, or abstracts, or by fraud or  
2 deception obtains, or attempts to obtain, from or out of any  
3 post office, letter box, mail receptacle, or any other  
4 authorized depository for mail matter, or from a postal service  
5 employee, any letter, postal card, package, bag, or mail,  
6 knowing the same to have been stolen, taken, obtained or  
7 abstracted shall be fined \$5,000, imprisoned for one year, or  
8 both.

9 (g) Whoever, being a national government officer or  
10 employee, loans, uses, pledges, hypothecates, or converts to  
11 his own use, or deposits in any bank, or exchanges for other  
12 funds or property, except as authorized by law, any money or  
13 property coming into his hands or under his control in any  
14 manner from the Postal Service operations, in the execution or  
15 under color of his office, employment, or service, whether or  
16 not the same shall be the money or property of the Republic of  
17 Palau, or fails to or refuses to remit to or deposit in the  
18 national treasury of the Republic or in a designated depository,  
19 or to account for or turn over to the proper officer or agent,  
20 any such money or property, when required to do so by law or  
21 the regulations of the Postal Service, or upon demand or order  
22 of the Postal Service, is guilty of embezzlement, and every  
23 such person, as well as every other person advising or  
24 knowingly participating therein, shall be fined \$5,000,  
25 imprisoned for one year, or both.

26 (h) Whoever, being a Postal Service officer or employee,  
27 makes a false entry in any record, book, journal, or account,  
28 required by law or the rules or regulations of the Postal  
29 Service to be kept in respect of the operations of the Postal  
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1 Service, for the purpose of fraudulently increasing his com-  
2 pensation, or the compensation of the Postmaster or any  
3 employee in a post office shall be fined \$5,000, imprisoned  
4 for one year, or both.

5 (i) Whoever, being a national officer or employee,  
6 knowingly and willfully uses or disposes of postage stamps,  
7 stamped envelopes, or postal cards entrusted to his care or  
8 custody in the payment of debts, or in the purchase of merchan-  
9 dise or other salable articles, or pledges or hypothecates the  
10 same or sells or dispose of them for cash outside of a postal  
11 service officer for private gain, otherwise than as provided  
12 by law or the regulations of the Postal Service, shall be fined  
13 \$10,000, imprisoned for one year, or both.

14 (j) Whoever, being a Postal Service officer or employee,  
15 fraudulently demands or receives any rate of postage or  
16 gratuity or reward other than is provided by law for the  
17 postage of such mail, shall be fined \$5,000, imprisoned for one  
18 year, or both.

19 (k) Whoever, without the authority of the Postmaster,  
20 sets up or professes to keep any office or place of business  
21 bearing the sign, name, or title or post office, shall be fined  
22 \$1,000, imprisoned for six months, or both.

23 (l) Whoever, being a national officer or employee, opens  
24 or causes to be opened, any letter, parcel or other mail, with-  
25 out first obtaining a court order or subpoena, shall be fined  
26 \$5,000, imprisoned for six months, or both. No court of the  
27 Republic of Palau shall issue an order or subpoena to open or  
28 have opened mail without a showing by the Minister of Justice  
29 of probable cause that the laws of the Republic are being  
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1 violated.

2 Section 10. Conflict of laws, severability.

3 (a) Any law, rule, regulation, or ordinance in conflict  
4 with this Act is hereby superceded and is null and void to the  
5 extent of the conflict.

6 (b) If any provision of this Act, or the application  
7 thereof to any person or circumstance is held invalid, the  
8 invalidity does not affect other provisions or applications of  
9 the Act which can be given effect without the invalid provision  
10 or application, and to this end the provisions of this Act are  
11 severable.

12 Section 11. Effective date. This Act shall take effect  
13 upon its approval by the President of the Republic of Palau,  
14 or upon its becoming law without such approval, except as  
15 otherwise provided by law.

16 PASSED: August 6, 1982

/s/ \_\_\_\_\_  
Carlos H. Salii, Speaker  
House of Delegates

Approved this 23<sup>rd</sup> day of August, 1982.

/s/ \_\_\_\_\_  
Haruo I. Remeliik, President  
Republic of Palau