

AN ACT

To amend chapter 1 of Title 32 of the Palau National Code to change the title of the “Postmaster” of the Republic of Palau Postal Service to “Postmaster General”, to establish the position of Postal Inspector, and for other related purposes.

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

Section 1. Legislative findings.

1 Article IX, section 5(11) of the Republic of Palau Constitution conveys upon the
2 Olbiil Era Kelulau the power to provide for a national postal system. The Olbiil Era
3 Kelulau has provided for a national postal service through the “National Postal
4 Organization Act” (Title 32, Chapter 1 of the Palau National Code), which establishes an
5 executive department known as the Republic of Palau Postal Service and is administered
6 under the supervision and direction of a Postmaster. According to the “National Postal
7 Organization Act”, the Republic of Palau Postal Service shall be organized in a form
8 “consistent with international guidelines for the operation of postal services and any
9 agreement between the United States of America and the Republic”. In the United States as
10 well as in many jurisdictions around the world, the chief executive officer of the postal
11 service carries the title of “Postmaster General” as opposed to “Postmaster”. The Olbiil
12 Era Kelulau recognizes that the Republic of Palau Postal Service works closely with the
13 United States Postal Service and finds itself in frequent meetings and negotiations with the
14 latter. During those discussions it became evident that United States Postal Service officials
15 were reluctant to recognize the “Postmaster” of the Republic of Palau Postal Service as
16 chief executive of our postal service, due to his title. The Olbiil Era Kelulau therefore finds
17 it necessary to amend the relevant sections of the “National Postal Organization Act” and
18 to convey the title of “Postmaster General” upon the current and any future head of the
19 Republic of Palau Postal Service.
20

Section 2. Amendment. 32 PNC § 102 is amended as follows:

“§ 102. Definitions.

In this chapter, unless context clearly requires otherwise:

1 (a) “Mail” means a message or package directed to a specific person or address
2 and recorded in or on a tangible objects and includes all messages and packages
3 conveyed or intended to be conveyed by the Postal Service.

4 (b) “Person” means any individual, corporation, association, partnership, joint
5 venture, trust, or other group, however organized;

6 (c) “Postal Service” means the Republic of Palau Postal Service.”

7 Section 3. Amendment. Section 121 of Title 32 of the Palau National Code is
8 hereby amended as follows:

9 “§ 121. Establishment of Postal Service; appointment of Postmaster General.

10 There is hereby established an executive department to be known as the
11 Republic of Palau Postal Service, which shall be administered under the supervision
12 and direction of a Postmaster General. The Postmaster General shall be appointed by
13 the President, with the advice and consent of the Senate, and shall serve at the pleasure
14 of the President. However, any Postmaster who has been appointed and confirmed by
15 the Senate at the time of the passage of this Act shall automatically become the
16 Postmaster General by operation of law.”

17 Section 4. Amendment. Section 125 of Title 32 of the Palau National Code is
18 hereby amended as follows:

19 “§ 125. General powers.

20 The Postal Service shall have the following general powers:

21 (a) ...

22 (b) ...

23 (c) ...

24 (d) ...

25 (e) ...

26 (f) to hire, retain, dismiss, terminate, or suspend employees in accordance with
27 the National Public Service Act.

28 (g) ...”

29 Section 5 Amendment. 32 PNC § 126 is amended to state as follows:

1 **“§ 126. Specific powers.**

2 **Without limitation of its general powers, the Postal Service shall have the**
3 **following specific powers:**

4 **...**

5 **(h) to rent mail boxes;**

6 **(I) to hire, retain, dismiss, terminate, or suspend a Postal Inspector or Postal**
7 **Inspectors in accordance with the National Public Service Act and Section 131.”**

8 **Section 6. Amendment. Section 127 of Title 32 of the Palau National Code is**
9 **hereby amended as follows:**

10 **“§ 127. International postal agreements.**

11 **(a) The Postmaster General, at the direction and consent of the President, may**
12 **negotiate and conclude postal treaties or conventions, and may establish the rates of**
13 **postage or other charges on mail conveyed between the Republic and other countries.**
14 **Any postal treaty or convention shall be ratified by a vote of a majority of the**
15 **members of each house of the Olbiil Era Kelulau.**

16 **(b) ...”**

17 **Section 7. Amendment. Subchapter II of Chapter 1 of Title 32 is amended to**
18 **add a new Section 131 to state as follows:**

19 **“§ 131. Postal Inspector.**

20 **(a) The Postmaster General may hire a Postal Inspector or Postal Inspectors.**

21 **(b) A Postal Inspector has the authority to investigate criminal matters related**
22 **to the Postal Service and mail and may**

23 **(1) serve warrants and subpoenas issued under the authority of the**
24 **Republic of Palau;**

25 **(2) make arrests without warrant for offenses against laws of the**
26 **Republic of Palau committed in the presence of the Postal Inspector;**

27 **(3) make arrests without warrant for felonies cognizable under the laws**
28 **of the Republic of Palau if the Postal Inspector has reasonable grounds to**
29 **believe that the person to be arrested has committed or is committing a felony;**

1 (4) carry firearms in accordance with Chapter 45 of Title 17;

2 (5) make seizures of property as provided by law.

3 (c) The powers granted to the Postal Inspector by subsection (b) may be
4 exercised only

5 (1) in the enforcement of laws regarding property in the custody of the
6 Postal Service, property of the Postal Service, the use of the mails, and other
7 postal offenses; and

8 (2) to the extent authorized by the Attorney General under an agreement
9 between the Attorney General and the Postal Service, in the enforcement of
10 other laws of the Republic of Palau, if the Attorney General determines that
11 violations of those laws have a detrimental effect on the operations of the Postal
12 Service.

13 (d) A Postal Inspector is employed in compliance with the National Public
14 Service System Act.

15 (e) A Postal Inspector shall not have authority to assume any of the police
16 powers set forth in subsections (b) or (c) unless the Postal Inspector has been deputized
17 as a law enforcement officer in accordance with the rules and regulations promulgated
18 by the Bureau of Public Safety under the authority of 34 PNC § 5004.”

19 Section 8. Amendment. Section 156 of Title 32 of the Palau National Code is
20 hereby amended as follows:

21 “§ 156. Using name of post office.

22 Any person who, without the authority of the Postmaster General, sets up or
23 professes to keep any office or place of business bearing the sign, name, or title of post
24 office, shall, upon conviction, be fined one thousand dollars (\$1,000), imprisoned for six
25 (6) months, or both.”

26 Section 9. Amendment. Section 158 of Title 32 of the Palau National Code is
27 hereby amended as follows:

28 “§ 158. Same; false record.

29 Any Postal Service officer or employee who makes a false entry in any record,

1 **book, journal, or account required by law or the rules or regulations of the Postal**
2 **Service to be kept in respect of the operations of the Postal Service, for the purpose of**
3 **fraudulently increasing his compensation, or the compensation of the Postmaster**
4 **General or any employee in a post office, shall, upon conviction, be fined five thousand**
5 **dollars (\$5,000), imprisoned for one (1) year, or both.”**

6 **Section 10. Amendment. 32 PNC § 162 is amended as follows:**

7 **“§ 162. Same; opening mail without court order.**

8 **Any national government officer or employee who opens, or causes to be**
9 **opened, any letter, parcel or other mail, without first obtaining a court order or**
10 **subpoena, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned**
11 **for six (6) months, or both. No court of the Republic shall issue an order or subpoena**
12 **to open or have opened mail without a showing by the Attorney General of probable**
13 **cause that the laws of the Republic are being violated.”**

14 **Section 11. Amendment. 17 PNC § 3303, as amended by RPPL No. 9-17, and as**
15 **reorganized as Section 4503 by RPPL No. 9-21, is amended to state as follows:**

16 **“§ 4503. Definitions.**

17 **Unless a different meaning clearly appears in the context, in this chapter:**

18 **...**

19 **(f) “Law Enforcement Officer” means a sheriff, police officer, marshal or**
20 **deputy marshal of the Palau National Judiciary, Postal Inspector, customs or**
21 **immigration officer or any other municipal entity, or privately contracted armed**
22 **security personnel certified by the Ship Registry Administrator and authorized by the**
23 **President, whose duty it is to preserve the peace and enforce the laws in the Republic**
24 **or any of its lawful subdivisions.**

25 **...”**

26 **Section 12. Effective date.**

27 **This Act shall take effect upon its approval by the President of the Republic of**
28 **Palau, or upon its becoming law without such approval.**

PASSED: September 12, 2014

Approved this 2nd day of October, 2014

/s/

Tommy E. Remengesau, Jr.
President of the Republic of Palau