

NAT'L POSTAL ORGANIZATION ACT 32 PNCA § 102

**TITLE 32
POSTAL SERVICE**

**Chapter 1
National Postal Organization Act**

**Subchapter I
General Provisions**

- § 101. Short title.
- § 102. Definitions.

§ 101. Short title.

This chapter may be cited as the “National Postal Organization Act.”

Source

RPPL 1-39 § 1, modified.

Cross-reference

For constitutional provision giving the Olbiil Era Kelulau the power to provide for a national postal system, see ROP Const., Art. IX, § 5(11).

§ 102. Definitions.

In this chapter, unless context clearly requires otherwise:

- (a) “Mail” means a message or package directed to a specific person or address and recorded in or on a tangible objects and includes all messages and packages conveyed or intended to be conveyed by the Postal Service.
- (b) “Person” means any individual, corporation, association, partnership, joint venture, trust, or other group, however organized;
- (c) “Postal Service” means the Republic of Palau Postal Service.”

Source

RPPL 1-39 § 2, modified. Amended by RPPL 9-36 § 2.

**Subchapter II
Postal Service**

- § 121. Establishment of postal service; appointment of Postmaster General.
- § 122. Organization of postal service.
- § 123. General duties.
- § 124. Exclusive authority.
- § 125. General powers.
- § 126. Specific powers.
- § 127. International postal agreements.
- § 128. Audit of postal service.
- § 129. Record-keeping of postal service.
- § 130. Funds received by postal service to be deposited in National Treasury.
- § 131. Postal Inspector.

§ 121. Establishment of postal service; appointment of Postmaster General.

There is hereby established an executive department to be known as the Republic of Palau Postal Service, which shall be administered under the supervision and direction of a Postmaster General. The Postmaster General shall be appointed by the President, with the advice and consent of the Senate, and shall serve at the pleasure of the President. Regardless of the individual occupying the Office of the President, the Postmaster General must be confirmed by the Senate of a new Olbiil Era Kelulau. However, any Postmaster who has been appointed and confirmed by the Senate at the time of the passage of this Act shall automatically become the Postmaster General by operation of law.

Source

RPPL 1-39 § 3, modified. Amended in its entirety by RPPL 9-36 § 3. Amended by RPPL 11-29 § 4, modified.

Cross-reference

ROP Const., Art. IX, § 5(11).

§ 122. Organization of postal service.

The postal service shall be organized in a form determined by the President in an executive order which shall be consistent with international guidelines for the operation of postal services and any agreement between the United States of America and the Republic with respect to the operation of postal services.

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Source

RPPL 1-39 § 3, modified.

§ 123. General duties.

The postal service shall provide adequate and efficient postal services at fair and reasonable rates and fees. Rates and fees shall be established pursuant to the regulation or rate-making provisions in the Administrative Procedure Act, ensuring public input in the rate-making process. The postal service shall receive, transmit, and deliver written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest.

Source

RPPL 1-39 § 4(a), modified.

Cross-reference

The Administrative Procedure Act is found in chapter 1 of Title 6.

§ 124. Exclusive authority.

No state shall compete with, impose restrictions on, tax, license or otherwise interfere with the postal service.

Source

RPPL 1-39 § 4(b), modified.

§ 125. General powers.

The postal service shall have the following general powers:

- (a) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this chapter pursuant to the Administrative Procedure Act;
- (b) to hire, retain, dismiss or suspend employees pursuant to the National Public Service System Act;
- (c) to enter into contracts to procure materials, expertise, or services;
- (d) to acquire such personal or real property, or any interest therein, as it deems necessary in the transaction of its business;

- (e) to construct, operate and maintain buildings, facilities, equipment and other improvements on any property owned or controlled by it;
- (f) to hire, retain, dismiss, terminate, or suspend employees in accordance with the National Public Service Act.
- (g) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions.

Source

RPPL 1-39 § 5, modified. New subsection (f) added by RPPL 6-12 § 25[125]. Former subsection (f) recodified as subsection (g). Subsection (f) is amended by RPPL 9-36 § 4.

§ 126. Specific powers.

Without limitation of its general powers, the postal service shall have the following specific powers:

- (a) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;
- (b) to prescribe the amount of postage and the manner in which it is to be paid;
- (c) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;
- (d) to provide or contract for philatelic services;
- (e) to establish and use an official seal;
- (f) to join or participate in any international or postal forum;
- (g) to provide for the safe and expeditious transportation of mail by aircraft or ocean vessel and to contract with any air carrier or ocean vessel for the transportation of mail;
- (h) to rent mail boxes;
- (i) to hire, retain, dismiss, terminate, or suspend a Postal Inspector or Postal Inspectors in

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accordance with the National Public Service Act and Section 131.

Source

RPPL 1-39 § 6, modified. Subsection (i) is added by RPPL 9-36 § 5.

§ 127. International postal agreements.

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

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

Source

RPPL 1-39 § 7, modified. Subsection (a) amended by RPPL 9-36 § 6.

§ 128. Audit of postal service.

The accounts and operations of the postal service shall be audited by the Public Auditor at such times as he may determine, but no less frequently than once annually. The Public Auditor's report shall be transmitted to the Olbiil Era Kelulau no later than thirty (30) days after the audit.

Source

RPPL 1-39 § 8(a), modified.

§ 129. Record-keeping of postal service.

(a) The postal service shall keep and maintain accurate records of all its transactions.

(b) At least once every three years, the postal service shall obtain a certification from an independent, certified public accounting firm of the accuracy of all its financial statements, accounts, and other records.

Source

RPPL 1-39 § 8(b) and (c), modified.

§ 130. Funds received by postal service to be deposited in National Treasury.

All funds received by the postal service shall be deposited in the National Treasury, to be appropriated in accordance with the Unified National Budget Procedure Act, with the exception of philatelic sales revenue, which shall be segregated from other postal revenue and deposited into a revolving fund within the National Treasury to be used exclusively for purposes related to the generation of philatelic sales revenue, and for other postal service operations, programs, and activities.

Source

RPPL 1-39 § 8(d), modified. Amended by RPPL 10-42 § 28.

Cross-reference

For statutory provisions of the Unified National Budget Procedure Act, see chapter 3 of Title 40.

§ 131. Postal Inspector.

- (a) The Postmaster General may hire a Postal Inspector or Postal Inspectors.
- (b) A Postal Inspector has the authority to investigate criminal matters related to the postal service and mail and may :
 - (1) serve warrants and subpoenas issued under the authority of the Republic of Palau;
 - (2) make arrests without warrant for offenses against laws of the Republic of Palau committed in the presence of the Postal Inspector;
 - (3) make arrests without warrant for felonies cognizable under the laws of the Republic of Palau if the Postal Inspector has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
 - (4) carry firearms in accordance with chapter 45 of Title 17;
 - (5) make seizures of property as provided by law.
- (c) The powers granted to the Postal Inspector by subsection (b) may be exercised only:
 - (1) in the enforcement of laws regarding property in the custody of the postal

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service, property of the postal service, the use of the mails, and other postal offenses; and

(2) to the extent authorized by the Attorney General under an agreement between the Attorney General and the postal service, in the enforcement of other laws of the Republic of Palau, if the Attorney General determines that violations of those laws have a detrimental effect on the operations of the postal service.

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

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

Source

RPPL 9-36 § 7, modified.

Subchapter III Prohibited Acts

- § 151. Private conveyance of mail.
- § 152. Obstructing passage of mail.
- § 153. Taking of mail from post office or mail depository.
- § 154. Wrongfully obtaining key.
- § 155. Wrongfully taking mail.
- § 156. Using name of post office.
- § 157. Postal service employee or officer; tampering with mail.
- § 158. Same; false record.
- § 159. Same; unlawful rate or gratuity.
- § 160. National government officer or employee; embezzlement.
- § 161. Same; wrongful use of stamps.
- § 162. Same; opening mail without court order.

§ 151. Private conveyance of mail.

Any person who establishes any private express for the conveyance of mail, or in any manner

causes or provides for the conveyance of the same by regular trips or at stated periods, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both. This section shall not prohibit any person from receiving and delivering to the nearest post office, postal car, or other authorized depository for mail matter any mail properly stamped. This section shall not prohibit the conveyance or transmission of mail by private hands without compensation, or wherever fewer than ten (10) pieces of mail are conveyed or transmitted.

Source

RPPL 1-39 § 9(a), modified.

§ 152. Obstructing passage of mail.

Any person who knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall, upon conviction, be fined five hundred dollars (\$500), imprisoned for six (6) months, or both.

Source

RPPL 1-39, § 9(b), modified.

Cross-reference

For additional criminal provision regarding tampering with mail, see § 3915 of Title 17.

§ 153. Taking of mail from post office or mail depository.

Any person who takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any mail carrier, or any letter, postal card, or package which has been in any post office or authorized depository, or in the custody of any mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence or pry into the business or secrets of another, or opens, embezzles, or destroys the same, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(c), modified.

Cross-reference

For criminal provision regarding tampering with mail, see § 3915 of Title 17.

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§ 154. Wrongfully obtaining key.

Any person who steals, embezzles, or obtains by false pretense any key suited to any lock adopted by the postal service, or who knowingly and willfully makes, forges or counterfeits any such key, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(e), modified.

§ 155. Wrongfully taking mail.

Any person who steals, takes, or abstracts, or by fraud or deception obtains, or attempts to obtain, from or out of any post office, letter box, mail receptacle, or any other authorized depository for mail matter, or from a postal service employee, any letter, postal card, package, bag, or mail, knowing the same to have been stolen, taken, obtained or abstracted shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(f), modified.

§ 156. Using name of post office.

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

Source

RPPL 1-39 § 9(k), modified. Amended by RPPL 9-36 § 8.

§ 157. Postal service employee or officer; tampering with mail.

Any postal service employee or officer who unlawfully destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by an employee of the postal service, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(d), modified.

§ 158. Same; false record.

Any postal service officer or employee who makes a false entry in any record, book, journal, or account required by law or the rules or regulations of the postal service to be kept in respect of the operations of the postal service, for the purpose of fraudulently increasing his compensation, or the compensation of the Postmaster General or any employee in a post office, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.”

Source

RPPL 1-39 § 9(h), modified. Amended by RPPL 9-36 § 9.

§ 159. Same; unlawful rate or gratuity.

Any postal service officer or employee who fraudulently demands or receives any rate of postage or gratuity or reward other than as provided by law for the postage of such mail, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(j), modified.

§ 160. National government officer or employee; embezzlement.

Any national government officer or employee who loans, uses, pledges, hypothecates, or converts to his own use, or deposits in any bank, or exchanges for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner from postal service operations, in the execution or under color of his office, employment, or service, whether or not the same shall be the money or property of the Republic, or who fails or refuses to remit to or deposit in the National Treasury or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required to do so by law or the regulations of the postal service, or upon demand or order of the postal service, is guilty of embezzlement, and every such person, as well as every other person advising or knowingly participating in the embezzlement, shall, upon conviction, be fined five thousand dollars (\$5,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(g), modified.

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§ 161. Same; wrongful use of stamps.

Any national government officer or employee who knowingly and willfully uses or disposes of postage stamps, stamped envelopes, or postal cards entrusted to his care or custody in the payment of debts, or in the purchase of merchandise or other salable articles, or pledges or hypothecates the same or sells or disposes of them for cash for private gain, otherwise than as provided by law or the regulations of the postal service, shall, upon conviction, be fined ten thousand dollars (\$10,000), imprisoned for one (1) year, or both.

Source

RPPL 1-39 § 9(i), modified.

§ 162. Same; opening mail without court order.

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

Source

RPPL 1-39 § 9(l), modified. Amended by RPPL 9-36 § 10.

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