

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4400

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IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 7), 1994

Received; read twice and referred to the Committee on Governmental Affairs

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## AN ACT

To amend title 39, United States Code, to prevent the use of paid confidential informants by the United States Postal Service in certain narcotics investigations; to require that the appointment of the Inspector General of the United States Postal Service be made by the President, with the advice and consent of the Senate; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Postal Inspection Serv-  
5 ice and Inspector General Act”.

1 **SEC. 2. RESTRICTION ON THE USE OF PAID CONFIDENTIAL**  
2 **INFORMANTS BY THE POSTAL SERVICE.**

3 (a) CONFIDENTIAL INFORMANTS.—

4 (1) RESTRICTION.—Section 404 of title 39,  
5 United States Code, is amended by adding at the  
6 end the following:

7 “(c)(1) The Postal Service may not retain the serv-  
8 ices of a paid confidential informant for purposes of any  
9 investigation concerning the possible violation of any law  
10 relating to controlled substances, unless the unlawful use  
11 of the mails is involved.

12 “(2) The Postal Service shall render a semiannual re-  
13 port to the Congress concerning any investigation—

14 “(A) in which the Postal Service retains the  
15 services of a paid confidential informant; and

16 “(B) which results in the arrest of 1 or more  
17 individuals for violating any law relating to con-  
18 trolled substances.

19 “(3) For the purpose of this subsection—

20 “(A) the term ‘controlled substance’ has the  
21 meaning given such term by section 102(6) of the  
22 Controlled Drug Abuse Prevention and Control Act  
23 of 1970; and

24 “(B) a confidential informant shall be consid-  
25 ered to be ‘paid’ if such informant receives, or is to  
26 receive, a monetary or nonmonetary benefit (includ-

1 ing any forbearance from a civil or criminal action)  
2 for the services involved.”.

3 (2) APPLICABILITY.—The amendment made by  
4 paragraph (1) shall apply with respect to any inves-  
5 tigation commencing on or after the date of the en-  
6 actment of this Act.

7 (b) OFFICERS.—

8 (1) IN GENERAL.—Section 204 of title 39,  
9 United States Code, is amended—

10 (A) by amending the section heading to  
11 read as follows:

12 **“§ 204. Assistant Postmasters General; General Coun-  
13 sel; Judicial Officer; Chief Postal Inspec-  
14 tor”;**

15 (B) in the first sentence by striking “and  
16 a Judicial Officer.” and inserting “a Judicial  
17 Officer, and a Chief Postal Inspector.”; and

18 (C) in the second sentence by striking  
19 “and the Judicial Officer” and inserting “the  
20 Judicial Officer, and the Chief Postal Inspec-  
21 tor”.

22 (2) CONFORMING AMENDMENT.—The table of  
23 sections for chapter 2 of title 39, United States  
24 Code, is amended by striking the item relating to  
25 section 204 and inserting the following:

“204. Assistant Postmasters General; General Counsel; Judicial Officer; Chief Postal Inspector.”.

1 **SEC. 3. INSPECTOR GENERAL OF THE UNITED STATES**  
2 **POSTAL SERVICE.**

3 (a) DEFINITIONS.—Section 11 of the Inspector Gen-  
4 eral Act of 1978 (5 U.S.C. App.) is amended—

5 (1) in paragraph (1) by inserting “the Post-  
6 master General;” after “the Attorney General;”; and

7 (2) in paragraph (2) by inserting “the United  
8 States Postal Service,” after “Treasury;”.

9 (b) TRANSFER OF FUNCTIONS.—Section 9(a) of the  
10 Inspector General Act of 1978, as amended by section  
11 203(g)(3)(A) of the National and Community Service  
12 Trust Act of 1993 (Public Law 103-82; 107 Stat. 890),  
13 is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (U) by striking “and”  
16 after the semicolon; and

17 (B) by adding at the end the following:

18 “(W) of the United States Postal Service,  
19 that portion of the Postal Inspection Service  
20 that is engaged in internal audit and program  
21 review activities; and”; and

22 (2) in paragraph (2) by inserting “(or, in the  
23 case of the United States Postal Service, the Post-  
24 master General, in consultation with the Board of



1 tions with the United States Postal Service, or any collec-  
2 tive bargaining agreement.”.

3 (d) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) RELATING TO THE INSPECTOR GENERAL  
5 ACT OF 1978.—Section 8H of the Inspector General  
6 Act of 1978 (as so redesignated by subsection  
7 (c)(1)) is amended—

8 (A) in subsection (a)(2) by striking “Tennessee  
9 Valley Authority,” and all that follows  
10 through the semicolon and inserting “Tennessee  
11 Valley Authority, and the United States Inter-  
12 national Trade Commission;”; and

13 (B)(i) by striking subsection (f), and redesi-  
14 gnating subsections (g) and (h) as subsections  
15 (f) and (g), respectively;

16 (ii) in paragraphs (3) and (4) of subsection  
17 (a) by striking “(h)(1)” and inserting “(g)(1)”;  
18 and

19 (iii) in subsection (c) by striking “Except  
20 as provided under subsection (f) of this section,  
21 the” and inserting “The”.

22 (2) RELATING TO TITLE 39, UNITED STATES  
23 CODE.—Section 410(b) of title 39, United States  
24 Code, is amended—

1 (A) by striking “and” at the end of para-  
2 graph (9); and

3 (B) by amending paragraph (10) to read  
4 as follows:

5 “(10) the Inspector General Act of 1978; and”.

6 (e) EFFECTIVE DATE; INTERIM SERVICE.—

7 (1) EFFECTIVE DATE.—This section and the  
8 amendments made by this section shall take effect  
9 upon the expiration of the 3-month period beginning  
10 on the date of the enactment of this Act.

11 (2) INTERIM SERVICE.—The individual serving  
12 as Inspector General of the United States Postal  
13 Service on the day before this section takes effect  
14 may continue to serve in that capacity until—

15 (A) a successor has taken office, or

16 (B) such individual ceases to be the Chief  
17 Postal Inspector of the United States Postal  
18 Service.

Passed the House of Representatives June 27, 1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*