

106TH CONGRESS
2D SESSION

S. 2386

AN ACT

To authorize the United States Postal Service to issue semipostals, 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. AUTHORITY TO ISSUE SEMIPOSTAL STAMPS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Semipostal Act of 2000”.

1 (b) IN GENERAL.—Chapter 4 of title 39, United
 2 States Code, is amended by striking section 416 (as added
 3 by the Semipostal Authorization Act) and inserting the
 4 following:

5 **“§ 416. Authority to issue semipostals**

6 “(a) DEFINITIONS.—In this section, the term—

7 “(1) ‘agency’ means an Executive agency (as
 8 defined by section 105 of title 5);

9 “(2) ‘amounts becoming available from the sale
 10 of a semipostal under this section’ means—

11 “(A) the total amounts received by the
 12 Postal Service with respect to the applicable
 13 semipostal in excess of the first class, first
 14 ounce rate, reduced by

15 “(B) an amount equal to the full costs in-
 16 curred by the Postal Service from the issuance
 17 and sale of the average first class, first ounce
 18 rate stamp, plus any additional costs incurred
 19 by the Postal Service unique to the issuance of
 20 the applicable semipostal; and

21 “(3) ‘semipostal’ means a special postage stamp
 22 which is issued and sold by the Postal Service, at a
 23 premium, in order to help provide funding for an
 24 issue of national importance.

1 “(b) AUTHORITY.—The Postal Service may issue no
 2 more than 1 semipostal each year, and sell such
 3 semipostals, in accordance with this section.

4 “(c) RATES.—

5 “(1) IN GENERAL.—The rate of postage on a
 6 semipostal issued under this section shall be estab-
 7 lished by the Governors, in accordance with such
 8 procedures as the Governors shall by regulation pro-
 9 mulgate (in lieu of the procedures under chapter
 10 36), except that—

11 “(A) the rate established for a semipostal
 12 under this section shall be equal to the rate of
 13 postage that would otherwise regularly apply,
 14 plus a differential of not to exceed 25 percent;
 15 and

16 “(B) no regular rates of postage or fees for
 17 postal services under chapter 36 shall be any
 18 different from what such rates or fees otherwise
 19 would have been if this section had not been en-
 20 acted.

21 “(2) VOLUNTARY USE.—The use of any
 22 semipostal issued under this section shall be vol-
 23 untary on the part of postal patrons.

24 “(d) AMOUNTS BECOMING AVAILABLE.—

1 “(1) IN GENERAL.—The amounts becoming
2 available from the sale of a semipostal under this
3 section shall be transferred to the appropriate agen-
4 cy or agencies under such arrangements as the Post-
5 al Service shall by mutual agreement with each such
6 agency establish.

7 “(2) ISSUES OF NATIONAL IMPORTANCE AND
8 AGENCIES.—Decisions under this section concerning
9 issues of national importance, and the appropriate
10 agency or agencies to receive amounts becoming
11 available under this section, shall be made applying
12 the criteria and procedures established under sub-
13 section (f).

14 “(3) RECOVERY OF COSTS.—

15 “(A) IN GENERAL.—Not later than 6
16 months after the date of enactment of the
17 Semipostal Act of 2000, the Postal Service shall
18 establish a system to account for all revenues
19 and the full costs (including related labor and
20 administrative costs) associated with selecting,
21 developing, marketing, and selling semipostals
22 under this section. The system shall track and
23 account for semipostal revenues and costs sepa-
24 rately from the revenues and costs of all other
25 postage stamps.

1 “(B) PAYMENT.—Before making any pay-
2 ment to any agency under subsection (d)(1),
3 the Postal Service shall recover the full costs in-
4 curred by the Postal Service as of the date of
5 such payment.

6 “(C) MINIMUM COSTS.—The Postal Serv-
7 ice shall to the maximum extent practicable
8 keep the costs incurred by the Postal Service in
9 issuing a semipostal to a minimum.

10 “(4) OTHER FUNDING NOT TO BE AF-
11 FECTED.—Amounts which have or may become
12 available from the sale of a semipostal under this
13 section shall not be taken into account in any deci-
14 sion relating to the level of appropriations or other
15 Federal funding to be furnished to an agency in any
16 year.

17 “(e) CONGRESSIONAL REVIEW.—(1) Before the Post-
18 al Service can take action with respect to the implementa-
19 tion of a decision to issue a semipostal, the Postal Service
20 shall submit to each House of the Congress a report
21 containing—

22 “(A) a copy of the decision;

23 “(B) a concise explanation of the basis for the
24 decision; and

1 “(C) the proposed effective date of the
2 semipostal.

3 “(2) Upon receipt of a report submitted under para-
4 graph (1), each House shall provide copies of the report
5 to the chairman and ranking member of the Governmental
6 Affairs Committee in the Senate and the Government Re-
7 form Committee in the House.

8 “(3) The decision of the Postal Service with respect
9 to the implementation of a decision to issue a semipostal
10 shall take effect on the latest of—

11 “(A) the date occurring 60 days after the date
12 on which the Congress receives the report submitted
13 under paragraph (1);

14 “(B) if the Congress passes a joint resolution of
15 disapproval described in paragraph 7, and the Presi-
16 dent signs a veto of such resolution, the earlier
17 date—

18 “(i) on which either House of Congress
19 votes and fails to override the veto of the Presi-
20 dent; or

21 “(ii) occurring 30 session days after the
22 date on which the Congress received the veto
23 and objections of the President; or

24 “(C) the date the decision would have otherwise
25 been implemented, if not for this section (unless a

1 joint resolution of disapproval under paragraph 7 is
2 enacted).

3 “(4) Notwithstanding paragraph (3), the decision of
4 the Postal Service with respect to the implementation of
5 a decision to issue a semipostal shall not be delayed by
6 operation of this subsection beyond the date on which ei-
7 ther House of Congress votes to reject a joint resolution
8 of disapproval under paragraph 7.

9 “(5) The Postal Service shall not implement a deci-
10 sion to issue a semipostal if the Congress enacts a joint
11 resolution of disapproval, described under paragraph 7.

12 “(6)(A) In addition to the opportunity for review oth-
13 erwise provided under this chapter, in the case of any deci-
14 sion for which a report was submitted in accordance with
15 paragraph (1) during the period beginning on the date oc-
16 curring 30 days before the date the Congress adjourns a
17 session of Congress through the date on which the same
18 or succeeding Congress first convenes its next session, this
19 section shall apply to such rule in the succeeding session
20 of Congress.

21 “(B) In applying this section for purposes of such
22 additional review, a decision described under paragraph
23 (1) shall be treated as though—

24 “(i) the decision were made on—

1 “(I) in the case of the Senate, the fifth
2 session day, or

3 “(II) in the case of the House of Rep-
4 resentatives, the fifth legislative day,

5 “after the succeeding session of Congress first con-
6 venes; and

7 “(ii) a report on such role were submitted to
8 Congress under paragraph (1) on such date.

9 “(7) For purposes of this section, the term ‘joint res-
10 olution’ means only a joint resolution introduced in the
11 period beginning on the date on which the report referred
12 to in paragraph (1) is received by Congress and ending
13 60 days thereafter (excluding days either House of Con-
14 gress is adjourned for more than 3 days during a session
15 of Congress), the matter after the resolving clause of
16 which is as follows: ‘That Congress disapproves the deci-
17 sion of the Postal Service submitted on _____ relating
18 to the issuance of _____ semipostal, and the Postal
19 Service shall take no action to implement such decision.’
20 (The blank spaces being appropriately filled in.).

21 “(8)(A) A joint resolution described in paragraph (7)
22 shall be referred to the committees in each House of Con-
23 gress with jurisdiction.

1 “(B) For purposes of this subsection, the term ‘sub-
2 mission date’ means the date on which the Congress re-
3 ceives the report submitted under paragraph (1).

4 “(9) In the Senate, if the committee to which is re-
5 ferred a joint resolution described in paragraph (7) has
6 not reported such joint resolution (or an identical joint
7 resolution) at the end of 20 calendar days after the sub-
8 mission date defined under paragraph (8)(B), such com-
9 mittee may be discharged from further consideration of
10 such joint resolution upon a petition supported in writing
11 by 30 Members of the Senate, and such joint resolution
12 shall be placed on the calendar.

13 “(10)(A) In the Senate, when the committee to which
14 a joint resolution is referred has reported, or when a com-
15 mittee is discharged (under paragraph (9)) from further
16 consideration of a joint resolution described in paragraph
17 (7), it is at any time thereafter in order (even though a
18 previous motion to the same effect has been disagreed to)
19 for a motion to proceed to the consideration of the joint
20 resolution, and all points of order against the joint resolu-
21 tion (and against consideration of the joint resolution) are
22 waived. The motion is not subject to amendment, or to
23 a motion to postpone, or to a motion to proceed to the
24 consideration of other business. A motion to reconsider the
25 vote by which the motion is agreed to or disagreed to shall

1 not be in order. If a motion to proceed to the consideration
2 of the joint resolution is agreed to, the joint resolution
3 shall remain the unfinished business of the Senate until
4 disposed of.

5 “(B) In the Senate, debate on the joint resolution,
6 and on all debatable motions and appeals in connection
7 therewith, shall be limited to not more than 10 hours,
8 which shall be divided equally between those favoring and
9 those opposing the joint resolution. A motion further to
10 limit debate is in order and not debatable. An amendment
11 to, or a motion to postpone, or a motion to proceed to
12 the consideration of other business, or a motion to recom-
13 mit the joint resolution is not in order.

14 “(C) In the Senate, immediately following the conclu-
15 sion of the debate on a joint resolution described in para-
16 graph (7), and a single quorum call at the conclusion of
17 the debate if requested in accordance with the rules of the
18 Senate, the vote on final passage of the joint resolution
19 shall occur.

20 “(D) Appeals from the decisions of the Chair relating
21 to the application of the rules of the Senate to the proce-
22 dure relating to a joint resolution described in paragraph
23 (7) shall be decided without debate.

24 “(11) In the Senate the procedure specified in para-
25 graph (9) or (10) shall not apply to the consideration of

1 a joint resolution respecting a Postal Service decision to
2 implement a decision to issue a semipostal—

3 “(A) after the expiration of the 60 session days
4 beginning with the applicable submission date, or

5 “(B) if the report under paragraph (1) was
6 submitted during the period referred to in paragraph
7 (6), after the expiration of the 60 session days be-
8 ginning on the fifth session day after the succeeding
9 session of Congress first convenes.

10 “(12) If, before the passage by one House of a joint
11 resolution of that House described in paragraph (7), that
12 House receives from the other House a joint resolution
13 described in paragraph (7), then the following procedures
14 shall apply:

15 “(A) The joint resolution of the other House
16 shall not be referred to a committee.

17 “(B) With respect to a joint resolution de-
18 scribed in paragraph (7) of the House receiving the
19 joint resolution—

20 “(i) the procedure in that House shall be
21 the same as if no joint resolution had been re-
22 ceived from the other House; but

23 “(ii) the vote on final passage shall be on
24 the joint resolution of the other House.

25 “(13) This section is enacted by Congress—

1 “(A) as an exercise of the rulemaking power of
 2 the Senate and House of Representatives, respec-
 3 tively, and as such it is deemed a part of the rules
 4 of each House, respectively, but applicable only with
 5 respect to the procedure to be followed in that
 6 House in the case of a joint resolution described in
 7 paragraph (7), and it supersedes other rules only to
 8 the extent that it is inconsistent with such rules; and

9 “(B) with full recognition of the constitutional
 10 right of either House to change the rules (so far as
 11 relating to the procedure of that House) at any time,
 12 in the same manner, and to the same extent as in
 13 the case of any other rule of that House.

14 “(f) REGULATIONS.—

15 “(1) IN GENERAL.—Not later than 6 months
 16 after the date of enactment of the Semipostal Act of
 17 2000, the Postal Service shall promulgate regula-
 18 tions to carry out this section, including provisions
 19 relating to—

20 “(A) which office or other body within the
 21 Postal Service will be responsible for making
 22 the decisions described in subsection (d)(2);

23 “(B) what criteria and procedures will be
 24 applied in making those decisions;

1 “(C) any limitations relating to the
2 issuance of semipostals, such as whether more
3 than 1 semipostal may be offered for sale at
4 any given time; and

5 “(D) how the price of a semipostal will be
6 established.

7 “(2) NOTICE AND COMMENT.—Before any regu-
8 lation is promulgated under this section, a copy of
9 the proposed regulation shall be published in the
10 Federal Register and an opportunity provided to in-
11 terested parties to present written comment and,
12 where practicable, oral comment.

13 “(3) ISSUANCE.—The Postal Service shall not
14 issue a semipostal until at least 30 days after the
15 final regulations promulgated under paragraph (1)
16 take effect.

17 “(g) ANNUAL REPORTS.—

18 “(1) IN GENERAL.—The Postmaster General
19 shall include in each report rendered under section
20 2402, with respect to any period during any portion
21 of which this section is in effect, information con-
22 cerning the operation of any program established
23 under this section.

24 “(2) SPECIFIC REQUIREMENT.—

1 “(A) IN GENERAL.—If any semipostal
2 ceases to be offered during the period covered
3 by a report, the information contained in such
4 report shall also include—

5 “(i) the dates on which the sale of
6 such semipostal commenced and termi-
7 nated; and

8 “(ii) the total amount that became
9 available from the sale of such semipostal
10 and any agency to which such amount was
11 made available.

12 “(B) SEMIPOSTALS THAT CEASE TO BE
13 OFFERED.—For each year before the year in
14 which a semipostal ceases to be offered, any re-
15 port under this subsection shall include, for
16 that semipostal and for the year covered by that
17 report, the information described under clauses
18 (i) and (ii).

19 “(h) NO INDIVIDUAL RIGHT CREATED.—This section
20 is not intended to and does not create any right or benefit,
21 substantive or procedural, enforceable at law by any party
22 against the Postal Service, its Governors, officers or em-
23 ployees, the United States, its agencies or instrumental-
24 ities, its officers or employees, or any other person.

1 “(i) INAPPLICABILITY TO BREAST CANCER RE-
2 SEARCH SPECIAL STAMPS.—This section shall not apply
3 to special postage stamps issued under section 414.

4 “(j) TERMINATION.—This section shall cease to be
5 effective at the end of the 10-year period beginning on
6 the date on which semipostals are first made available to
7 the public under this section.”.

8 (c) REPORTS BY AGENCIES.—

9 (1) IN GENERAL.—Each agency that receives
10 any funding in a year under section 416 of title 39,
11 United States Code (as amended by this section)
12 shall submit a written report under this subsection
13 with respect to such year to the congressional com-
14 mittees with jurisdiction over the United States
15 Postal Service.

16 (2) CONTENTS.—Each report under this sub-
17 section shall include—

18 (A) the total amount of funding received
19 by such agency under section 416 of such title
20 during the year to which the report pertains;

21 (B) an accounting of how any funds re-
22 ceived by such agency under section 416 of
23 such title were allocated or otherwise used by
24 such agency in such year; and

1 (C) a description of the effectiveness in ad-
2 dressing the applicable issue of national impor-
3 tance that occurred as a result of the funding.

4 (d) REPORTS BY THE GENERAL ACCOUNTING OF-
5 FICE.—

6 (1) INITIAL REPORT.—Not later than 4 months
7 after semipostal stamps are first made available to
8 the public under section 416 of title 39, United
9 States Code (as amended by this section), the Gen-
10 eral Accounting Office shall submit to the President
11 and each house of Congress an initial report on the
12 operation of the program established under such sec-
13 tion.

14 (2) INTERIM REPORTS.—Not later than the
15 third year, and again not later than the sixth year,
16 after semipostal stamps are first made available to
17 the public under section 416 of title 39, United
18 States Code (as amended by this section), the Gen-
19 eral Accounting Office shall submit to the President
20 and each house of Congress an interim report on the
21 operation of the program established under such sec-
22 tion.

23 (3) FINAL REPORT.—Not later than 6 months
24 before the date of termination of the effectiveness of
25 section 416 of title 39, United States Code (as

1 amended by this section), the General Accounting
2 Office shall submit to the President and each house
3 of Congress a final report on the operation of the
4 program established under such section. The final
5 report shall contain a detailed statement of the find-
6 ings and conclusions of the General Accounting Of-
7 fice, and any recommendation the General Account-
8 ing Office considers appropriate.

9 (e) CONFORMING AMENDMENT.—Section 2 of the
10 Semipostal Authorization Act is amended by striking sub-
11 sections (b), (c), and (e).

12 (f) EFFECTIVE DATE.—This section shall take effect
13 on the date of enactment of this Act and the program
14 under section 416 of title 39, United States Code (as
15 amended by this section) shall be established not later
16 than 1 year after the date of enactment of this Act.

Passed the Senate July 27, 2000.

Attest:

Secretary.

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