

106TH CONGRESS  
2D SESSION

# S. 2386

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Referred to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 ccurring 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:

GARY SISCO,  
*Secretary.*