

“The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

“(A) the effect of such closing or consolidation on the community served by such post office;

“(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(E) such other factors as the Postal Service determines are necessary.”

1976—Pub. L. 94-421 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2006 AMENDMENT**

Pub. L. 109-435, title X, §1006(b), Dec. 20, 2006, 120 Stat. 3258, provided that: “This section [amending this section] and the amendments made by this section shall apply with respect to any determination to close or consolidate a post office which is first made available, in accordance with paragraph (3) of section 404(b) of title 39, United States Code, after the end of the 3-month period beginning on the date of the enactment of this Act [Dec. 20, 2006].”

EFFECTIVE DATE OF 1976 AMENDMENT

Pub. L. 94-421, §9(b), Sept. 24, 1976, 90 Stat. 1311, provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title].”

EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

TREATMENT OF EXISTING NONPOSTAL SERVICES

Pub. L. 117-108, title I, §103(b)(3), Apr. 6, 2022, 136 Stat. 1144, provided that: “All individual nonpostal services, provided directly or through licensing, that are continued pursuant to section 404(e) of title 39, United States Code, shall be considered to be expressly authorized by chapter 37 of such title (as added by subsection (a)(1)) and shall be subject to the requirements of section 3705 [probably means section 3705 of this title], subsections (a) through (d).”

REFERENCES TO POSTAL RATE COMMISSION

Pub. L. 109-435, title VI, §604(f), Dec. 20, 2006, 120 Stat. 3242, provided that: “Whenever a reference is made in any provision of law (other than this Act [see Tables for classification] or a provision of law amended by this Act), regulation, rule, document, or other record of the United States to the Postal Rate Commission, such reference shall be considered a reference to the Postal Regulatory Commission.”

§ 404a. Specific limitations

(a) Except as specifically authorized by law, the Postal Service may not—

(1) establish any rule or regulation (including any standard) the effect of which is to pre-

clude competition or establish the terms of competition unless the Postal Service demonstrates that the regulation does not create an unfair competitive advantage for itself or any entity funded (in whole or in part) by the Postal Service;

(2) compel the disclosure, transfer, or licensing of intellectual property to any third party (such as patents, copyrights, trademarks, trade secrets, and proprietary information); or

(3) obtain information from a person that provides (or seeks to provide) any product, and then offer any postal service that uses or is based in whole or in part on such information, without the consent of the person providing that information, unless substantially the same information is obtained (or obtainable) from an independent source or is otherwise obtained (or obtainable).

(b) The Postal Regulatory Commission shall prescribe regulations to carry out this section.

(c) Any party (including an officer of the Commission representing the interests of the general public) who believes that the Postal Service has violated this section may bring a complaint in accordance with section 3662.

(Added Pub. L. 109-435, title IV, §403(a), Dec. 20, 2006, 120 Stat. 3226.)

§ 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Director of the Government Publishing Office shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotype plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 113-235, div. H, title I, §1301(d), Dec. 16, 2014, 128 Stat. 2537.)

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

“Director of the Government Publishing Office” substituted for “Public Printer” in subsec. (a) on authority of section 1301(d) of Pub. L. 113-235, set out as a note under section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 406. Postal services at Armed Forces installations

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.