

103^D CONGRESS
2^D SESSION

H. R. 4400

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

3 (c) SPECIAL PROVISIONS.—The Inspector General
4 Act of 1978 is amended—

5 (1) by redesignating the first section designated
6 as section 8G as section 8H;

(2) by redesignating the second section designated as section 8G as section 8I; and

9 (3) by inserting after section 8F the following:

10 “SPECIAL PROVISIONS CONCERNING THE UNITED STATES

11 POSTAL SERVICE

12 “SEC. 8G. (a) In carrying out the duties and respon-
13 sibilities specified in this Act, the Inspector General of the
14 United States Postal Service shall have oversight respon-
15 sibility for all activities of the Postal Inspection Service,
16 including any internal investigation performed thereby.
17 The Chief Postal Inspector shall promptly report the sig-
18 nificant activities being carried out by the Postal Inspec-
19 tion Service to such Inspector General.

“(b) Nothing in this Act shall restrict, eliminate, or otherwise adversely affect any of the rights, privileges, or benefits of either employees of the United States Postal Service, or labor organizations representing employees of the United States Postal Service, under chapter 12 of title 39, United States Code, the National Labor Relations Act, any handbook or manual affecting employee labor rela-

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 “Ten-
9 nessee 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 redes-
14 ignating 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 26, 1994.

Attest:

Clerk.

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