

# Federal Privilege–Franchise Classification Table

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■ YES ■ PARTIAL ■ NO

## Section 1 — Federal Franchises

Federal Franchise	Creating Statute	Managing Agency	Public Capacity?	Delegates Governmental Authority?	Imposes General Obligations on Everyone?	Operates in Federal/National Capacity Only?	Involves Federal Property (propertyPUB)?
<b>National Banking Charter</b>	12 U.S.C. §§ 21–216d (National Bank Act)	OCC (Office of the Comptroller of the Currency)	YES (operates as quasi-public financial institution)	YES (issues currency instruments, exercises fiduciary powers under federal authority)	YES (reserve requirements, reporting, CRA obligations bind all national banks)	YES	YES (federal reserve notes, federal monetary system)
<b>Federal Reserve System Membership</b>	12 U.S.C. §§ 221–522 (Federal Reserve Act)	Federal Reserve Board of Governors	YES (member banks function as instrumentalities of monetary policy)	YES (discount window, monetary transmission, reserve management)	YES (mandatory reserves, stress testing, systemic risk obligations)	YES	YES (federal reserve notes, reserve balances, discount window collateral)
<b>Federal Deposit Insurance</b>	12 U.S.C. §§ 1811–1835a (Federal Deposit Insurance Act)	FDIC	YES (insured deposits create public trust obligation)	YES (exercises receivership and resolution authority)	YES (assessment obligations, deposit reporting for all insured institutions)	YES	YES (Deposit Insurance Fund is federal property)
<b>Federal Credit Union Charter</b>	12 U.S.C. §§ 1751–1795k (Federal Credit Union Act)	NCUA	YES (cooperative financial institution with public mission)	YES (exercises fiduciary and lending authority under federal charter)	YES (share insurance, reporting, field-of-membership requirements)	YES	YES (National Credit Union Share Insurance Fund)
<b>Broadcast Spectrum License</b>	47 U.S.C. §§ 301–399b (Communications Act of 1934)	FCC	YES (licensee operates as public trustee of the airwaves)	YES (exclusive use of sovereign electromagnetic spectrum)	YES (public interest standard, equal time, emergency broadcast obligations)	YES	YES (electromagnetic spectrum is propertyPUB held in public trust)
<b>Air Carrier Certificate</b>	49 U.S.C. §§ 41101–41113 (Federal Aviation Act)	FAA / DOT	YES (common carrier obligations, public service mandate)	YES (operates within sovereign navigable airspace)	YES (safety regulations, accessibility requirements, fare transparency)	YES	YES (navigable airspace is federal propertyPUB)
<b>Nuclear Facility License</b>	42 U.S.C. §§ 2011–2297h-13 (Atomic Energy Act of 1954)	NRC	YES (exercises authority over sovereign nuclear materials)	YES (licensed to possess and use special nuclear material)	YES (safety, waste disposal, security, decommissioning obligations)	YES	YES (special nuclear material remains federal property)
<b>Hydroelectric Power License</b>	16 U.S.C. §§ 791a–828c (Federal Power Act)	FERC	YES (public utility operating on navigable waters)	YES (exercises power of eminent domain, dam construction on public waterways)	YES (headwater benefits charges, fish passage, environmental mitigation)	YES	YES (navigable waters are propertyPUB)
<b>U.S. Postal Service Franchise</b>	39 U.S.C. §§ 101–5605 (Postal Reorganization Act)	USPS / Postal Regulatory Commission	YES (exercises sovereign postal power under Art. I, § 8, cl. 7)	YES (exclusive letter-carrying monopoly, mailbox access rule)	YES (universal service obligation, uniform pricing)	YES	YES (postal infrastructure, mailboxes, mail itself in transit)

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<b>Securities Exchange Registration</b>	15 U.S.C. §§ 78a–78qq (Securities Exchange Act of 1934)	SEC	YES (self-regulatory organization with quasi-governmental enforcement power)	YES (exchanges exercise delegated regulatory, surveillance, and disciplinary authority)	YES (reporting, anti-fraud, market manipulation rules bind all participants)	YES	NO
<b>Vessel Documentation (Merchant Marine)</b>	46 U.S.C. §§ 12101–12152	USCG / MARAD	YES (documented vessels operate under federal flag and jurisdiction)	YES (authorized for coastwise trade, fisheries, and international commerce under federal sovereignty)	YES (manning, safety, inspection, cabotage restrictions)	YES	YES (navigable waters, federal flag jurisdiction)
<b>Railroad Operating Authority</b>	49 U.S.C. §§ 10101–11908 (Interstate Commerce Act legacy)	Surface Transportation Board (STB)	YES (common carrier obligation, public service mandate)	YES (exercises eminent domain for rights-of-way, rate-setting authority)	YES (common carrier duty, safety, hazmat, accessibility)	YES	YES (rights-of-way across public lands, eminent domain)
<b>Natural Gas Pipeline Certificate</b>	15 U.S.C. §§ 717–717z (Natural Gas Act)	FERC	YES (public utility with obligation to serve)	YES (eminent domain for pipeline construction, rate-setting)	YES (open access, environmental review, safety standards)	YES	YES (eminent domain, public lands crossings)
<b>Federal Mining Claim</b>	30 U.S.C. §§ 22–54 (General Mining Act of 1872)	BLM / Dept. of Interior	YES (claimant exercises possessory rights on public domain)	PARTIAL (right to extract mineral resources from sovereign land, but limited police power)	NO (obligations attach only to claim holders)	YES	YES (public domain lands and mineral estate are propertyPUB)
<b>Federal Grazing Permit</b>	43 U.S.C. §§ 315–315r (Taylor Grazing Act)	BLM / Dept. of Interior	PARTIAL (permittee manages public rangeland under federal oversight)	PARTIAL (authorized use of public domain, but no sovereign delegation)	NO (obligations attach only to permit holders)	YES	YES (federal public rangeland is propertyPUB)
<b>Federal Land Patent</b>	43 U.S.C. various (public land statutes)	BLM / General Land Office (historical)	YES (conveyance of sovereign title from public domain to private ownership)	NO (patent transfers title, does not delegate ongoing authority)	NO	YES	YES (public domain land is propertyPUB until patented)
<b>Federal Alcohol/Tobacco Manufacturer Permit</b>	26 U.S.C. §§ 5001–5692 (IRC Subtitle E)	TTB (Alcohol and Tobacco Tax and Trade Bureau, Treasury)	YES (operates under federal excise tax and regulatory regime)	YES (authorized to manufacture controlled commodities under sovereign taxing power)	YES (excise tax, bonding, labeling, record-keeping obligations on all permit holders)	YES	NO
<b>Federally Chartered Corporation</b>	36 U.S.C. various; individual charter statutes (e.g., Amtrak: 49 U.S.C. § 24301; Red Cross: 36 U.S.C. § 300101)	Congress / designated oversight agency	YES (created by sovereign act to serve public purpose)	YES (exercises specific governmental or quasi-governmental functions)	YES (charter obligations, reporting to Congress, public accountability)	YES	PARTIAL (varies by charter; Amtrak uses federal rail infrastructure)
<b>Social Security Account (SSN/OASDI)</b>	42 U.S.C. §§ 401–434 (Social Security Act, Title II)	SSA (Social Security Administration)	YES (participation creates public accounting identity within federal fiscal system)	YES (mandatory wage reporting, tax withholding delegated to employers)	YES (universal employer withholding, individual earnings reporting)	YES	YES (OASI and DI Trust Funds are federal propertyPUB)
<b>Federal Tax-Exempt Organization Status</b>	26 U.S.C. § 501 (IRC § 501(c))	IRS / Dept. of Treasury	YES (tax-exempt entities perform quasi-public functions: charitable, educational, religious)	PARTIAL (exempt from sovereign taxing power in exchange for public benefit obligations)	YES (annual reporting, operational restrictions, private inurement prohibitions)	YES	NO

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<b>Federal Telecommunications Common Carrier</b>	47 U.S.C. § 201 et seq. (Communications Act, Title II)	FCC	YES (common carrier obligation: must serve all comers without discrimination)	YES (exercises delegated authority over public communications infrastructure)	YES (tariff filing, non-discrimination, universal service contributions)	YES	YES (electromagnetic spectrum and rights-of-way are propertyPUB)
<b>Federal Power Marketing Administration</b>	16 U.S.C. various (Bonneville Project Act, etc.)	BPA, WAPA, SWPA, SEPA (Dept. of Energy)	YES (markets hydroelectric power from federal dams)	YES (operates sovereign power generation and transmission infrastructure)	YES (preference power obligations, cost-based pricing mandates)	YES	YES (federal dams, transmission lines, reservoirs are propertyPUB)
<b>"Trade or Business" Franchise (Public Office Functions)</b>	26 U.S.C. § 7701(a)(26); 26 U.S.C. §§ 1-1400Z-2 (IRC)	IRS / Dept. of Treasury	YES (defined as "the functions of a public office")	YES (holder exercises governmental functions generating taxable income)	YES (withholding, reporting, filing obligations bind all participants in the franchise)	YES	NO

**Franchise Distinguishing Criteria:** FRANCHISE DISTINGUISHING CRITERIA: A federal franchise (1) creates or confers a PUBLIC CAPACITY on the holder; (2) DELEGATES GOVERNMENTAL AUTHORITY or sovereign power; (3) typically IMPOSES GENERAL OBLIGATIONS binding on all persons operating under the franchise; (4) operates within the FEDERAL/NATIONAL CAPACITY; and (5) frequently involves the use or management of FEDERAL PROPERTY (propertyPUB) — i.e., sovereign assets held in public trust.

## Section 2 — Federal Privileges

Federal Privilege	Creating Statute	Managing Agency	Public Capacity?	Delegates Governmental Authority?	Imposes General Obligations on Everyone?	Operates in Federal/National Capacity Only?	Involves Federal Property (propertyPUB)?
<b>U.S. Passport</b>	22 U.S.C. §§ 211a–218 (Passport Act)	State Department / Bureau of Consular Affairs	NO (bearer travels in private capacity)	NO (confers no governmental authority)	NO (conditions attach only to passport holder)	YES	NO
<b>Patent Grant</b>	35 U.S.C. §§ 1–390 (Patent Act)	USPTO	NO (patentee exercises private exclusionary right)	NO (grants monopoly, not governmental power)	NO (obligations attach only to patentee)	YES	NO (intangible private property right created by federal grant)
<b>Copyright Registration</b>	17 U.S.C. §§ 101–1401 (Copyright Act)	U.S. Copyright Office / Library of Congress	NO (author exercises private exclusionary right)	NO (no delegation of sovereign authority)	NO (obligations attach only to copyright holder)	YES	NO (intangible private property right)
<b>Federal Trademark Registration</b>	15 U.S.C. §§ 1051–1141n (Lanham Act)	USPTO	NO (registrant exercises private commercial right)	NO (no delegation of sovereign authority)	NO (obligations attach only to registrant: maintenance, use requirements)	YES	NO
<b>Veterans Benefits (Disability, Education, Pension)</b>	38 U.S.C. §§ 101–8528	VA (Dept. of Veterans Affairs)	NO (recipient receives benefits in private capacity)	NO	NO (eligibility conditions attach only to applicant)	YES	NO
<b>Federal Student Loan</b>	20 U.S.C. §§ 1070–1099e (Higher Education Act, Title IV)	Dept. of Education / FSA	NO (borrower acts in private capacity)	NO	NO (repayment obligations attach only to borrower)	YES	NO
<b>Federal Housing Assistance (Section 8 Voucher)</b>	42 U.S.C. §§ 1437–1437z-10 (Housing Act of 1937)	HUD	NO (tenant receives benefit in private capacity)	NO	NO (program rules attach only to voucher holders and participating landlords)	YES	NO
<b>Naturalized Citizenship</b>	8 U.S.C. §§ 1421–1459 (INA, Title III)	USCIS / DHS	NO (citizen acts in private capacity)	NO (citizenship confers rights, not governmental authority)	NO	YES	NO
<b>Federal Employee Retirement (FERS/CSRS)</b>	5 U.S.C. §§ 8331–8480	OPM	NO (retiree receives benefit in private capacity)	NO	NO (contribution obligations attach only to covered employees)	YES	YES (FERS Thrift Savings Fund, CSRS Fund)
<b>Medicare Enrollment (Parts A–D)</b>	42 U.S.C. §§ 1395–1395III (Social Security Act, Title XVIII)	CMS / HHS	NO (beneficiary receives medical coverage in private capacity)	NO	NO (premium and enrollment obligations attach only to enrollees)	YES	YES (Medicare Trust Funds are propertyPUB)
<b>Medicaid Provider Enrollment</b>	42 U.S.C. §§ 1396–1396w-6 (Social Security Act, Title XIX)	CMS / HHS (joint federal-state)	NO (provider delivers private medical services)	NO	NO (billing and compliance rules attach only to enrolled providers)	PARTIAL (joint federal-state program)	NO
<b>Federal Tax Deductions and Credits</b>	26 U.S.C. various (IRC: §§ 63, 162, 170, 21-54, etc.)	IRS / Dept. of Treasury	NO (taxpayer claims in private capacity)	NO	NO (conditions attach only to the claimant)	YES	NO
<b>Federal Firearms License (Dealer/FFL)</b>	18 U.S.C. §§ 921–931 (Gun Control Act)	ATF / DOJ	NO (dealer operates private commercial business)	NO (no governmental authority delegated)	NO (record-keeping and background check obligations attach only to FFL holders)	YES	NO

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<b>Merchant Mariner Credential</b>	46 U.S.C. §§ 7101–7704	USCG / DHS	NO (mariner serves in private capacity aboard vessels)	NO	NO (qualification and medical requirements attach only to credential holders)	YES	NO
<b>Federal Pilot Certificate</b>	49 U.S.C. § 44703; 14 CFR Part 61	FAA / DOT	NO (pilot operates in private capacity)	NO	NO (medical, currency, and proficiency requirements attach only to certificate holders)	YES	NO
<b>Federal Amateur Radio License</b>	47 U.S.C. § 310; 47 CFR Part 97	FCC	NO (operator communicates in private/personal capacity)	NO	NO (band plan and power limit obligations attach only to licensees)	YES	PARTIAL (uses electromagnetic spectrum, but no exclusive assignment)
<b>SNAP Benefits (Food Stamps)</b>	7 U.S.C. §§ 2011–2036a (Food and Nutrition Act of 2008)	USDA / FNS	NO (recipient purchases food in private capacity)	NO	NO (eligibility and reporting requirements attach only to recipients)	PARTIAL (joint federal-state)	NO
<b>Federal Contractor Registration (SAM)</b>	41 U.S.C. §§ 101–4712 (OFPP Act); FAR	GSA	NO (contractor performs private services for government)	NO (no delegation of sovereign authority to contractor)	NO (compliance and reporting obligations attach only to registered entities)	YES	NO
<b>National Park Annual Pass</b>	54 U.S.C. § 100904	NPS / Dept. of Interior	NO (visitor enters in private recreational capacity)	NO	NO (park rules apply only to visitors)	YES	YES (national parks are propertyPUB)
<b>Federal Voting Rights (registration to vote in federal elections)</b>	52 U.S.C. §§ 10101–10702 (Voting Rights Act; National Voter Registration Act)	DOJ / EAC (administered by states)	NO (voter acts in private civic capacity)	NO (voting is exercise of a right, not delegation of authority)	NO	PARTIAL (federal right, state-administered)	NO

**Privilege Distinguishing Criteria:** PRIVILEGE DISTINGUISHING CRITERIA: A federal privilege (1) does NOT create a public capacity — the holder acts in PRIVATE capacity; (2) does NOT delegate governmental authority — merely permits an activity or confers a benefit; (3) does NOT impose general obligations on everyone — conditions attach only to the individual recipient; (4) may operate within federal jurisdiction but does not confer NATIONAL CAPACITY; and (5) may or may not involve federal property, but does not grant authority OVER that property.