

FEBRUARY 3, 2022

RULES COMMITTEE PRINT 117-32

TEXT OF H.R. 3076, THE POSTAL SERVICE

REFORM ACT OF 2022

[Showing the text of H.R. 3076, as reported by the Committee on Oversight and Reform, with modifications.]

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Postal Service Reform Act of 2022”.
4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—POSTAL SERVICE FINANCIAL REFORMS

Sec. 101. Postal Service Health Benefits Program.
Sec. 102. USPS Fairness Act.
Sec. 103. Nonpostal services.

TITLE II—POSTAL SERVICE OPERATIONAL REFORMS

Sec. 201. Performance targets and transparency.
Sec. 202. Integrated delivery network.
Sec. 203. Review of Postal Service cost attribution guidelines.
Sec. 204. Rural newspaper sustainability.
Sec. 205. Funding of Postal Regulatory Commission.
Sec. 206. Flats operations study and reform.
Sec. 207. Reporting requirements.
Sec. 208. Postal Service transportation selection policy revisions.
Sec. 209. USPS Inspector General oversight of Postal Regulatory Commission.

TITLE III—SEVERABILITY

Sec. 301. Severability.

1 SEC. 2. DEFINITIONS.

2 (a) COMMISSION.—In this Act, the term “Commission” means the Postal Regulatory Commission.

4 (b) TERMS DEFINED IN TITLE 39, UNITED STATES
5 CODE.—In this Act, the terms “competitive product”,
6 “market-dominant product”, and “Postal Service” have
7 the meanings given those terms in section 102 of title 39,
8 United States Code.

**9 **TITLE I—POSTAL SERVICE
10 **FINANCIAL REFORMS********11 SEC. 101. POSTAL SERVICE HEALTH BENEFITS PROGRAM.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Chapter 89 of title 5, United
14 States Code, is amended by inserting after section
15 8903b the following:

16 **“§ 8903c. Postal Service Health Benefits Program**

17 “(a) DEFINITIONS.—In this section—

18 “(1) the term ‘covered Medicare individual’
19 means an individual who is entitled to benefits under
20 Medicare part A, but excluding an individual who is
21 eligible to enroll under such part under section 1818
22 or 1818A of the Social Security Act (42 U.S.C.
23 1395i–2, 1395i–2a);

24 “(2) the term ‘initial contract year’ means the
25 contract year beginning in January of 2025;

1 “(3) the term ‘initial participating carrier’
2 means a carrier that enters into a contract with the
3 Office to participate in the Program during the ini-
4 tial contract year;

5 “(4) the term ‘Medicare part A’ means part A
6 of title XVIII of the Social Security Act (42 U.S.C.
7 1395c et seq.);

8 “(5) the term ‘Medicare part B’ means part B
9 of title XVIII of the Social Security Act (42 U.S.C.
10 1395j et seq.);

11 “(6) the term ‘Office’ means the Office of Per-
12 sonnel Management;

13 “(7) the term ‘Postal Service’ means the United
14 States Postal Service;

15 “(8) the term ‘Postal Service annuitant’ means
16 an annuitant enrolled in a health benefits plan under
17 this chapter whose Government contribution is re-
18 quired to be paid under section 8906(g)(2);

19 “(9) the term ‘Postal Service employee’ means
20 an employee of the Postal Service enrolled in a
21 health benefits plan under this chapter whose Gov-
22 ernment contribution is paid by the Postal Service;

23 “(10) the term ‘Postal Service Medicare covered
24 annuitant’ means an individual who—

25 “(A) is a Postal Service annuitant; and

1 “(B) is a covered Medicare individual;

2 “(11) the term ‘Program’ means the Postal
3 Service Health Benefits Program established under
4 subsection (c) within the Federal Employees Health
5 Benefits Program;

6 “(12) the term ‘Program plan’ means a health
7 benefits plan offered under the Program; and

8 “(13) the definitions set forth in section 8901
9 shall apply, and for the purposes of applying such
10 definitions in carrying out this section, a Postal
11 Service employee and Postal Service annuitant shall
12 be treated in the same manner as an employee and
13 an annuitant (as those terms are defined in para-
14 graphs (1) and (3), respectively, of section 8901),
15 consistent with the requirements of this section.

16 “(b) APPLICATION.—The requirements under this
17 section shall—

18 “(1) apply to the initial contract year and each
19 contract year thereafter; and

20 “(2) supersede any other provision of this chap-
21 ter inconsistent with such requirements, as deter-
22 mined by the Office.

23 “(c) ESTABLISHMENT OF THE POSTAL SERVICE
24 HEALTH BENEFITS PROGRAM.—

25 “(1) IN GENERAL.—

1 “(A) ESTABLISHMENT.—The Office shall
2 establish the Postal Service Health Benefits
3 Program within the Federal Employees Health
4 Benefits Program under this chapter, under
5 which the Office may contract with carriers to
6 offer health benefits plans as described under
7 this section.

8 “(B) APPLICABILITY OF CHAPTER RE-
9 QUIREMENTS TO CONTRACTS.—Except as other-
10 wise provided in this section, any contract de-
11 scribed in subparagraph (A) shall be consistent
12 with the requirements of this chapter for con-
13 tracts under section 8902 with carriers to offer
14 health benefits plans other than under this sec-
15 tion.

16 “(C) PROGRAM PLANS AND PARTICIPA-
17 TION.—The Program shall—

18 “(i) to the greatest extent prac-
19 ticable—

20 “(I) with respect to each plan
21 provided by a carrier under this sub-
22 chapter in which the total enrollment
23 includes, in the contract year begin-
24 ning in January 2023, 1,500 or more
25 enrollees who are Postal Service em-

1 employees or Postal Service annuitants,
2 include a plan offered by that carrier
3 with equivalent benefits and cost-shar-
4 ing requirements as provided under
5 paragraph (2), except that the Direc-
6 tor of the Office may exempt any
7 comprehensive medical plan from this
8 requirement; and

19 “(iv) not provide for enrollment in a
20 Program plan of an individual who is not
21 a Postal Service employee or Postal Service
22 annuitant (except as a member of family of
23 such an employee or annuitant or as pro-
24 vided under paragraph (4)).

1 “(2) COVERAGE WITH EQUIVALENT BENEFITS
2 AND COST-SHARING.—In the initial contract year,
3 the Office shall ensure that each carrier participating
4 in the Program provides under the Program
5 plans offered by the carrier benefits and cost-sharing
6 requirements that are equivalent to the benefits and
7 cost-sharing requirements under the health benefits
8 plans offered by the carrier under this chapter that
9 are not Program plans, except that prescription drug
10 benefits and cost-sharing requirements may differ
11 between the Program plans and other health benefits
12 plans offered by the carrier under this chapter to the
13 extent needed to integrate the Medicare part D pre-
14 scription drug benefits coverage required under sub-
15 section (h)(2).

16 “(3) APPLICABILITY OF FEDERAL EMPLOYEES
17 HEALTH BENEFITS PROGRAM REQUIREMENTS.—Ex-
18 cept as otherwise set forth in this section, the provi-
19 sions of this chapter applicable to health benefits
20 plans offered by carriers under section 8903 or
21 8903a shall apply to plans offered under the Pro-
22 gram.

23 “(4) APPLICATION OF CONTINUATION COV-
24 ERAGE.—In accordance with rules established by the
25 Office, section 8905a shall apply to health benefits

1 plans offered under this section in the same manner
2 as such section applies to other health benefits plans
3 offered under this chapter.

4 “(d) ELECTION OF COVERAGE.—Each Postal Service
5 employee and Postal Service annuitant who elects to re-
6 ceive health benefits coverage under this chapter—

7 “(1) shall be subject to the requirements of this
8 section; and

9 “(2) may not enroll in any other health benefits
10 plan offered under any other section of this chapter.

11 “(e) REQUIREMENT OF MEDICARE ENROLLMENT
12 FOR CERTAIN ANNUITANTS AND THEIR FAMILY MEM-
13 BERS.—

14 “(1) MEDICARE COVERED ANNUITANTS.—Ex-
15 cept as provided under paragraph (3), a Postal Serv-
16 ice Medicare covered annuitant may not enroll in a
17 Program plan unless the annuitant is entitled to
18 benefits under Medicare part A and enrolled in
19 Medicare part B.

20 “(2) MEDICARE COVERED FAMILY MEMBERS.—
21 Except as provided under paragraph (3), in the case
22 of a Postal Service annuitant who is entitled to ben-
23 efits under Medicare part A and required under this
24 subsection to enroll in Medicare part B to enroll
25 under the Program, if a member of family of such

1 Postal Service annuitant is a covered Medicare indi-
2 vidual, that member of family may not enroll under
3 the Program as a member of family of the Postal
4 Service annuitant unless that member of family is
5 entitled to benefits under Medicare part A and en-
6 rolled in Medicare part B.

7 “(3) EXCEPTIONS.—

8 “(A) IN GENERAL.—The requirements
9 under paragraphs (1) and (2), as applicable,
10 shall not apply with respect to an individual in
11 the following cases:

12 “(i) CURRENT POSTAL SERVICE AN-
13 NUITANTS.—The individual, as of January
14 1, 2025, is a Postal Service annuitant who
15 is not both entitled to benefits under Medi-
16 care part A and enrolled in Medicare part
17 B.

18 “(ii) CURRENT EMPLOYEES AGED 64
19 AND OVER.—The individual, as of January
20 1, 2025, is a Postal Service employee and
21 is at least 64 years of age.

22 “(iii) POSTAL SERVICE MEDICARE
23 COVERED ANNUITANTS AND FAMILY MEM-
24 BERS RESIDING ABROAD.—For any con-
25 tract year with respect to which the indi-

1 vidual is a Postal Service Medicare covered
2 annuitant or a member of family of a Post-
3 al Service Medicare covered annuitant and
4 resides outside the United States (which
5 includes the States, the District of Colum-
6 bia, the Commonwealth of Puerto Rico, the
7 Virgin Islands, Guam, American Samoa,
8 and the Northern Mariana Islands), pro-
9 vided that the individual demonstrates
10 such residency to the Postal Service in ac-
11 cordance with regulations issued by the
12 Postal Service.

13 “(iv) POSTAL SERVICE MEDICARE
14 COVERED ANNUITANTS AND FAMILY MEM-
15 BERS ENROLLED UNDER VA COVERAGE.—

16 The individual—

17 “(I) is a Postal Service Medicare
18 covered annuitant or a member of
19 family of a Postal Service Medicare
20 covered annuitant; and

21 “(II) is enrolled in health care
22 benefits provided by the Department
23 of Veterans Affairs under subchapter
24 II of chapter 17 of title 38, United
25 States Code.

1 “(v) POSTAL SERVICE MEDICARE COV-
2 ERED ANNUITANTS AND FAMILY MEMBERS
3 ELIGIBLE FOR IHS HEALTH SERVICES.—

4 The individual—

5 “(I) is a Postal Service Medicare
6 covered annuitant or a member of
7 family of a Postal Service Medicare
8 covered annuitant; and

9 “(II) is eligible for health services
10 from the Indian Health Service.

11 “(B) REGULATIONS FOR VA AND IHS EX-
12 CEPTIONS.—Not later than 1 year after the
13 date of enactment of this section, the Office
14 shall, in consultation with the Secretary of Vet-
15 erans Affairs, the Secretary of Health and
16 Human Services, and the Postmaster General,
17 promulgate any regulations necessary to imple-
18 ment clauses (iv) and (v) of subparagraph (A).

19 “(C) LIST OF INDIVIDUALS RESIDING
20 ABROAD.—The Postal Service shall provide a
21 list of individuals who satisfy the exception
22 under subparagraph (A)(iii) to the Office.

23 “(4) PROCESS FOR INFORMATION COLLECTION
24 AND DISSEMINATION.—The Postal Service and the
25 Office, in consultation with the Social Security Ad-

1 ministration and the Centers for Medicare & Medi-
2 caid Services, shall establish a process that will en-
3 able the Postal Service to timely inform Postal Serv-
4 ice employees, Postal Service annuitants, and mem-
5 bers of family of such employees and annuitants of
6 the requirements described in paragraphs (1) and
7 (2) in order to be eligible to enroll in Program plans
8 under this section.

9 “(f) TRANSITIONAL OPEN SEASON.—

10 “(1) DEFINITIONS.—In this subsection—

11 “(A) the term ‘current option’, with re-
12 spect to an individual, means the option under
13 a plan under this chapter in which the indi-
14 vidual is enrolled during the contract year pre-
15 ceding the initial contract year; and

16 “(B) the term ‘current plan’, with respect
17 to an individual, means the plan under this
18 chapter in which the individual is enrolled dur-
19 ing the contract year preceding the initial con-
20 tract year.

21 “(2) AUTOMATIC ENROLLMENT.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graphs (B) and (C), in the case of an individual
24 who is a Postal Service employee or Postal
25 Service annuitant eligible to enroll in a Pro-

1 gram plan under subsection (d), who is enrolled
2 in a current plan, and who does not enroll in
3 a Program plan during the open season that
4 immediately precedes the initial contract year,
5 the Office shall automatically enroll the indi-
6 vidual, as of the start of the initial contract
7 year, in a Program plan offered by the carrier
8 of the individual's current plan.

9 “(B) CARRIERS OFFERING MULTIPLE PRO-
10 GRAM PLANS OR OPTIONS.—If the carrier of the
11 current plan of an individual described in sub-
12 paragraph (A) offers more than 1 Program
13 plan or option, the Office, in carrying out sub-
14 paragraph (A), shall automatically enroll the in-
15 dividual in the plan and option that provide
16 coverage with equivalent benefits and cost shar-
17 ing, as described in subsection (c)(2), to the in-
18 dividual’s current plan and current option.

19 “(C) CARRIERS NOT OFFERING PROGRAM
20 PLANS.—If the carrier of the current plan of an
21 individual described in subparagraph (A) does
22 not offer a Program plan, the Office, in car-
23 rying out subparagraph (A), shall automatically
24 enroll the individual in the lowest-cost nation-
25 wide plan option within the Program that is not

1 a high deductible health plan and does not
2 charge an association or membership fee.

3 “(g) OPM REGULATIONS.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, the Director
6 of the Office shall issue regulations to carry out this
7 section.

8 “(2) CONSULTATION.—In issuing regulations
9 under paragraph (1), the Director of the Office shall
10 consult, as necessary, with the Secretary of Health
11 and Human Services, the Secretary of Veterans Af-
12 fairs, the Commissioner of Social Security, and the
13 Postmaster General.

14 “(3) CONTENTS.—The regulations issued under
15 paragraph (1) shall include—

16 “(A) any provisions necessary to imple-
17 ment this section;

18 “(B) a process under which Postal Service
19 annuitants and affected family members are
20 timely informed of the enrollment requirements
21 and may request, in writing, any additional en-
22 rollment information;

23 “(C) provisions under which a Postal Serv-
24 ice employee or Postal Service annuitant en-
25 rolled under the Program may request a belated

1 change of plan and may be prospectively en-
2 rolled in the plan of the employee's or annu-
3 itant's choice; and

4 “(D) provisions for individuals to cancel
5 coverage under the Program in writing to the
6 Postal Service because the individuals choose
7 not to enroll in, or to disenroll from, Medicare
8 part B.

9 “(h) MEDICARE COORDINATION.—

10 “(1) IN GENERAL.—The Office shall require
11 each Program plan to provide benefits for covered
12 Medicare individuals pursuant to a coordination of
13 benefits method approved by the Office.

14 “(2) MEDICARE PART D PRESCRIPTION DRUG
15 BENEFITS.—The Office shall require each Program
16 plan to provide prescription drug benefits to any
17 Postal Service annuitant and member of family of
18 such annuitant who is a part D eligible individual
19 (as defined in section 1860D-1(a)(3)(A) of the So-
20 cial Security Act) through employment-based retiree
21 health coverage (as defined in section 1860D-
22 22(c)(1) of such Act) through—

23 “(A) a prescription drug plan (as defined
24 in section 1860D-41(a)(14) of such Act); or

1 “(B) contracts between such a Program
2 plan and PDP sponsor, as defined in section
3 1860D-41(a)(13) of such Act, of such a pre-
4 scription drug plan.

5 “(i) POSTAL SERVICE CONTRIBUTION.—

6 “(1) IN GENERAL.—Subject to subsection (k),
7 for purposes of applying section 8906(b) to the
8 Postal Service, the weighted average shall be cal-
9 culated in accordance with paragraphs (2) and (3).

10 “(2) WEIGHTED AVERAGE CALCULATION.—Not
11 later than October 1 of each year (beginning with
12 2024), the Office shall determine the weighted aver-
13 age of the rates established pursuant to subsection
14 (c)(2) for Program plans that will be in effect dur-
15 ing the following contract year with respect to—

16 “(A) enrollments for self only;

17 “(B) enrollments for self plus one; and

18 “(C) enrollments for self and family.

19 “(3) WEIGHTING IN COMPUTING RATES FOR
20 INITIAL CONTRACT YEAR.—In determining such
21 weighted average of the rates for the initial contract
22 year, the Office shall take into account (for purposes
23 of section 8906(a)(2)) the enrollment of Postal Serv-
24 ice employees and annuitants in the health benefits

1 plans offered by the initial participating carriers as
2 of March 31, 2022.

3 “(4) PAYMENT OF LATE ENROLLMENT PEN-
4 ALTIES.—The Postal Service may direct the Office
5 to pay the amounts required by section 1839(e) of
6 the Social Security Act (42 U.S.C. 1395r(e)) from
7 the Postal Service Retiree Health Benefits Fund es-
8 tablished under section 8909a until depleted and
9 thereafter shall pay such amounts from the Postal
10 Service Fund established under section 2003 of title
11 39.

12 “(j) RESERVES.—

13 “(1) SEPARATE RESERVES.—

14 “(A) IN GENERAL.—The Office shall en-
15 sure that each Program plan maintains sepa-
16 rate reserves (including a separate contingency
17 reserve) with respect to the enrollees in the
18 Program plan in accordance with section 8909.

19 “(B) APPLICABILITY OF SECTION 8909 TO
20 CONTINGENCY RESERVES.—All provisions of
21 section 8909 relating to contingency reserves
22 shall apply to contingency reserves of Program
23 plans in the same manner as to the contingency
24 reserves of other plans under this chapter, ex-
25 cept to the extent that such provisions are in-

1 consistent with the requirements of this sub-
2 section.

3 “(C) REFERENCES.—For purposes of the
4 Program, each reference to ‘the Government’ in
5 section 8909 shall be deemed to be a reference
6 to the Postal Service.

7 “(D) AMOUNTS TO BE CREDITED.—The
8 reserves (including the separate contingency re-
9 serve) maintained by each Program plan shall
10 be credited with a proportionate amount of the
11 funds in the reserves for health benefits plans
12 offered by the carrier.

13 “(2) DISCONTINUATION OF PROGRAM PLAN.—
14 In applying section 8909(e) relating to a Program
15 plan that is discontinued, the Office shall credit the
16 separate Postal Service contingency reserve main-
17 tained under paragraph (1) for that plan only to the
18 separate Postal Service contingency reserves of the
19 Program plans continuing under this chapter.

20 “(k) NO EFFECT ON EXISTING LAW.—Nothing in
21 this section shall be construed as affecting section 1005(f)
22 of title 39 regarding variations, additions, or substitutions
23 to the provisions of this chapter.

24 “(l) HEALTH BENEFITS EDUCATION PROGRAM.—

1 “(1) DEFINITION.—In this subsection, the term
2 ‘navigator’ means an employee of the Postal Service
3 or of a contractor of the Postal Service who is des-
4 ignated by the Postal Service or contractor to carry
5 out activities under paragraph (5).

6 “(2) ESTABLISHMENT.—Not later than 18
7 months after the date of enactment of this section,
8 the Postal Service shall establish a Health Benefits
9 Education Program.

10 “(3) REQUIREMENTS.—In carrying out the
11 Health Benefits Education Program established
12 under paragraph (2), the Postal Service shall—

13 “(A) notify Postal Service annuitants and
14 Postal Service employees about the Postal Serv-
15 ice Health Benefits Program established under
16 subsection (c)(1);

17 “(B) provide information regarding the
18 Postal Service Health Benefits Program and
19 the requirements of this section to Postal Serv-
20 ice annuitants and Postal Service employees, in-
21 cluding—

22 “(i) a description of the health care
23 options available under such Program;

24 “(ii) the enrollment provisions of sub-
25 section (d); and

1 “(iii) the requirement that Postal
2 Service annuitants and their family mem-
3 bers be enrolled in Medicare under sub-
4 section (e);
5 “(C) respond and provide answers to any
6 inquiry from such employees and annuitants
7 about the Postal Service Health Benefits Pro-
8 gram, in consultation with the Office as nec-
9 essary;
10 “(D) refer individuals to the Centers for
11 Medicare & Medicaid Services and the Social
12 Security Administration that provide informa-
13 tion about Medicare enrollment and options
14 under the Medicare program under XVIII of
15 the Social Security Act; and
16 “(E) carry out, or provide for through con-
17 tract or other arrangement, the activities de-
18 scribed in paragraph (5).

19 “(4) INFORMATION.—

20 “(A) INFORMATION FROM OPM.—The Of-
21 fice shall timely provide the Postal Service with
22 such information as necessary to conduct the
23 Health Benefits Education Program.

24 “(B) COORDINATION WITH OPM.—The
25 Postal Service shall coordinate with the Office,

1 in consultation with the Centers for Medicare &
2 Medicaid Services and the Social Security Ad-
3 ministration, to obtain and confirm the accu-
4 racy of information as the Postal Service deter-
5 mines to be necessary to conduct the Health
6 Benefits Education Program.

7 “(5) NAVIGATOR ACTIVITIES.—

8 “(A) ACTIVITIES.—The activities described
9 in this paragraph, with respect to Program
10 plans and the health care options available
11 under the Program, are the following:

12 “(i) Educational activities for annu-
13 itants and employees of the Postal Service
14 to raise awareness of the availability of
15 Program plans and requirements for en-
16 rolling in such plans, including require-
17 ments to be entitled to Medicare part A
18 and enroll in Medicare part B.

19 “(ii) Distribution of fair and impartial
20 information concerning enrollment in such
21 plans.

22 “(iii) Facilitation of enrollment in
23 such plans.

24 “(iv) Provision of information in a
25 manner that is culturally and linguistically

¹¹ “(II) avoid conflicts of interest.

22 “(C) FAIR AND IMPARTIAL INFORMATION
23 AND SERVICES.—The Postal Service, in con-
24 sultation as necessary with the Office and the
25 Centers for Medicare & Medicaid Services, shall

1 develop standards to ensure that information
2 made available by navigators under this para-
3 graph is fair, accurate, and impartial.

4 “(6) REGULATIONS.—

5 “(A) IN GENERAL.—Not later than 18
6 months after the date of enactment of this sec-
7 tion, the Postmaster General shall issue regula-
8 tions to establish the Health Benefits Edu-
9 cation Program required under this subsection.

10 “(B) CONTENTS.—The regulations issued
11 under subparagraph (A) shall include—

12 “(i) provisions for the notification of
13 Postal Service annuitants and Postal Serv-
14 ice employees about the Program, includ-
15 ing a description of the available health
16 benefits options, including a process for
17 notifying Postal Service employees who be-
18 come eligible for Medicare part B and
19 Postal Service Medicare covered annuitants
20 about their choices;

21 “(ii) provisions for notifying Postal
22 Service annuitants, Postal Service employ-
23 ees, and their family members of the re-
24 quirements under subsection (e) to enroll

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENTS.—

12 (A) SERVICE BENEFIT PLANS.—Section
13 8903(1) of title 5, United States Code, is
14 amended by striking “two levels of benefits”
15 and inserting “at least 2 levels of benefits for
16 enrollees under this chapter generally and at
17 least 2 levels of benefits for enrollees under the
18 Postal Service Health Benefits Program estab-
19 lished under section 8903c”.

20 (B) TABLE OF SECTIONS.—The table of
21 sections for chapter 89 of title 5, United States
22 Code, is amended by inserting after the item re-
23 lating to section 8903b the following:

“8903c. Postal Service Health Benefits Program.”;

24 (b) COORDINATION WITH MEDICARE.—

1 (1) PART B SPECIAL ENROLLMENT PERIOD.—

2 Section 1837 of the Social Security Act (42 U.S.C.
3 1395p) is amended by adding at the end the fol-
4 lowing new subsection:

5 "(o)(1) In the case of an individual who—

6 “(A) as of January 1, 2024, is—

7 “(i) a Postal Service annuitant who is enti-
8 tled to benefits under part A of title XVIII of
9 the Social Security Act, but excluding an indi-
0 vidual who is eligible to enroll under such part
1 under section 1818 of such Act or 1818A of
2 such Act (42 U.S.C. 1395i-2, 1395i-2a); or

“(B) is not enrolled under this part, the individual may elect to be enrolled under this part during a special enrollment period during the 6-month period beginning on April 1, 2024.

1 “(2) In this subsection, the term ‘Postal Service an-
2 nuitant’ means an annuitant enrolled in a health benefits
3 plan under chapter 89 of title 5, United States Code,
4 whose Government contribution is required to be paid
5 under section 8906(g)(2) of such title.”.

6 (2) TECHNICAL AND CONFORMING AMEND-
7 MENTS.—

14 (B) COVERAGE PERIOD UNDER PART B.—
15 Section 1838 of the Social Security Act (42
16 U.S.C. 1395q) is amended by adding at the end
17 the following:

18 “(i) Notwithstanding subsection (a), in the case of
19 an individual who enrolls during a special enrollment pe-
20 riod pursuant to section 1837(o), the coverage period shall
21 begin on January 1, 2025.”.

22 (3) TREATMENT OF PART B LATE ENROLLMENT
23 PENALTY FOR INDIVIDUALS ENROLLING DURING
24 SPECIAL ENROLLMENT PERIOD.—Section 1839(e) of

1 the Social Security Act (42 U.S.C. 1395r(e)) is
2 amended—

3 (A) in paragraph (1), by striking “(as de-
4 fined in paragraph (3)(A))” and by inserting
5 “(as defined in paragraph (3)(A)(i)). The Sec-
6 retary shall enter into an agreement with the
7 United States Postal Service under which the
8 United States Postal Service agrees to pay on
9 a quarterly or other periodic basis to the Sec-
10 retary (to be deposited in the Treasury to the
11 credit of the Federal Supplementary Medical
12 Insurance Trust Fund) an amount equal to the
13 amount of the part B late enrollment premium
14 increases with respect to the premiums for eligi-
15 ble individuals (as defined in paragraph
16 (3)(A)(ii)).”; and

17 (B) by amending paragraph (3)(A) to read
18 as follows:

19 “(A) The term ‘eligible individual’ means
20 an individual who is enrolled under this part B
21 and who—

22 “(i) in the case of an agreement en-
23 tered into under the first sentence of para-
24 graph (1), is within a class of individuals
25 specified in such agreement; and

1 “(ii) in the case of an agreement en-
2 tered into under the second sentence of
3 paragraph (1), is so enrolled under this
4 part pursuant to the special enrollment pe-
5 riod under section 1837(o).”.

6 (4) PART D EGWP CONTRACTING CONFORMING
7 AMENDMENT.—Section 1860D-22(b) of the Social
8 Security Act (42 U.S.C. 1395w-132(b)) is amended
9 by inserting before the period at the end the fol-
10 lowing: “, and shall be applied in a manner to facili-
11 tate the offering of prescription drug benefits under
12 a Program plan under section 8903c of title 5,
13 United States Code, as required under subsection
14 (h)(2) of such section, through employment-based
15 retiree health coverage through: (1) a prescription
16 drug plan; or (2) contracts between such a Program
17 plan and the PDP sponsor of such a prescription
18 drug plan.”.

19 (c) INFORMATION SHARING AND DISSEMINATION RE-
20 QUIRED FOR SPECIAL ENROLLMENT PERIOD AND EN-
21 FORCEMENT OF PART B ENROLLMENT REQUIRE-
22 MENTS.—

23 (1) DEFINITIONS.—In this subsection, the
24 terms “Medicare part A”, “Medicare part B”, “Of-
25 fice”, “Postal Service”, and “Postal Service annu-

1 itant" have the meanings given those terms in sec-
2 tion 8903c of title 5, United States Code, as added
3 by subsection (a).

22 (A) which Postal Service annuitants, and
23 family members of such annuitants, are eligible
24 to enroll under Medicare part B during the spe-

1 cial enrollment period described in paragraph
2 (2); and

3 (B) whether Postal Service annuitants, and
4 family members of such annuitants, satisfy the
5 enrollment requirements described in para-
6 graphs (1) and (2) of section 8903c(e) of title
7 5, United States Code, as added by subsection
8 (a).

17 (d) FUNDING.—

1 (2) SSA APPROPRIATION.—

2 (A) IN GENERAL.—In addition to amounts
3 otherwise available, there is appropriated to the
4 Social Security Administration, out of any mon-
5 ies in the Treasury not otherwise appropriated,
6 \$16,000,000 for fiscal year 2022, to remain
7 available until the date that is 1 year after the
8 last day of the special enrollment period de-
9 scribed in subsection (c)(2), for purposes of car-
10 rying out this section, with the exception of car-
11 rying out subsection (c)(3)(B), including the
12 amendments made by this section.

13 (B) RELATION TO OTHER APPROPRIA-
14 TION.—The amounts appropriated under sub-
15 paragraph (A) shall be in addition to the Social
16 Security Administration's Limitation on Admin-
17 istrative Expenditure appropriations.

1 (4) FUNDS CREDITED BY POSTAL SERVICE.—

2 The United States Postal Service shall credit to the
3 Treasury from the Postal Service Fund in fiscal year
4 2022 an amount equal to the sum of the amounts
5 appropriated under paragraphs (1), (2), and (3).

6 (5) REIMBURSEMENT FOR PERIODIC SSA DATA

7 SHARING.—

16 (B) REPORT TO CONGRESS.—The Director
17 of the Office—

18 (i) shall report the amount paid under
19 subparagraph (A) annually to the Com-
20 mittee on Homeland Security and Govern-
21 mental Affairs of the Senate and the Com-
22 mittee on Oversight and Reform of the
23 House of Representatives; and

24 (ii) may satisfy the requirement under
25 clause (i) by including the amount paid

3 SEC. 102. USPS FAIRNESS ACT.

4 (a) SHORT TITLE.—This section may be cited as the
5 “USPS Fairness Act”.

6 (b) RATIONAL BENEFITS FUNDING AND ACCOUNT-
7 ING.—

11 “(d)(1) Not later than June 30, 2026, and by June
12 30 of each succeeding year, the Office shall compute, for
13 the most recently concluded fiscal year, the amount (if
14 any) that Government contributions required to be paid
15 from the Fund under section 8906(g)(2)(A) exceeded the
16 estimated net claims costs under the enrollment of the in-
17 dividuals described in section 8906(g)(2)(A).

18 “(2) Not later than September 30 of each year in
19 which the Office makes a computation under paragraph
20 (1), the United States Postal Service shall pay into the
21 Fund the amount (if any) of the excess computed under
22 such paragraph.

23 "(e) Any computation required under section 3654(b)
24 of title 39 shall be based on—

1 “(1) the net present value of the future net
2 claims costs with respect to—

3 “(A) current annuitants of the United
4 States Postal Service as of the end of the fiscal
5 year ending on September 30 of the relevant re-
6 porting year; and

7 “(B) current employees of the United
8 States Postal Service who would, as of Sep-
9 tember 30 of that year—

10 “(i) be eligible to become annuitants
11 pursuant to section 8901(3)(A)(i) or (ii);
12 and

13 “(ii) if they were retired as of that
14 date, meet the criteria for coverage of an-
15 nuitants under section 8905(b);

16 “(2) economic and actuarial methods and as-
17 sumptions consistent with the methods and assump-
18 tions used in determining the Postal surplus or sup-
19 plemental liability under section 8348(h); and

20 “(3) any other methods and assumptions, in-
21 cluding a health care cost trend rate, that the Direc-
22 tor of the Office determines to be appropriate.

23 “(f) After consultation with the United States Postal
24 Service, the Office shall promulgate any regulations the
25 Office determines necessary under this subsection.

1 “(g) For purposes of this section, the term ‘estimated
2 net claims costs’ shall mean the difference between—

3 “(1) the sum of—

4 “(A) the estimated costs incurred by a car-
5 rier in providing health services to, paying for
6 health services provided to, or reimbursing ex-
7 penses for health services provided to, annu-
8 itants of the United States Postal Service and
9 any other persons covered under the enrollment
10 of such annuitants; and

11 “(B) an amount of indirect expenses rea-
12 sonably allocable to the provision, payment, or
13 reimbursement described in subparagraph (A),
14 as determined by the Office; and

15 “(2) the amount withheld from the annuity of
16 or paid by annuitants of the United States Postal
17 Service under section 8906.”.

18 (2) CLERICAL AMENDMENT.—The heading of
19 section 8909a of title 5, United States Code, is
20 amended by striking “**Benefit**” and inserting
21 “**Benefits**”.

22 (c) APPLICATION.—

23 (1) CANCELLATION OF PAYMENTS.—Any pay-
24 ment required from the Postal Service under section
25 8909a of title 5, United States Code, as in effect on

1 the day before the date of enactment of this Act that
2 remains unpaid as of such date of enactment is can-
3 celed.

4 (2) EFFECT OF THIS ACT.—In any determina-
5 tion relating to the future liability for retiree health
6 benefits of the United States Postal Service or the
7 Postal Service Retiree Health Benefits Fund, the
8 Office of Personnel Management shall take into ac-
9 count the actual and reasonably expected effects of
10 this Act.

11 (d) USE OF FUNDS FROM SALE OF REAL PROPERTY
12 FOR CERTAIN PAYMENTS.—

13 (1) IN GENERAL.—Chapter 29 of title 39,
14 United States Code, is amended by adding at the
15 end the following:

16 **“§ 2903. Use of funds from sale of property**

17 “In the event that the Postal Service permanently
18 ceases operations, any funds derived from the sale of any
19 real property owned by the Postal Service shall be used
20 to pay any outstanding liability with respect to the salaries
21 and expenses of any Postal Service employee. The balance
22 of any remaining funds shall be deposited into the Postal
23 Service Retiree Health Benefits Fund established under
24 section 8909a of title 5.”.

4 SEC. 103. NONPOSTAL SERVICES.

5 (a) NONPOSTAL SERVICES.—

9 **“CHAPTER 37—NONPOSTAL SERVICES**

“Sec.

“3701. Purpose.

“3702. Definitions.

“3703. Postal Service program for State governments.

“3704. Postal Service program for other Government agencies.

“3705. Transparency and accountability for nonpostal services.

10 “§ 3701. Purpose

11 “The purpose of this chapter is to enable the Postal
12 Service to increase its net revenues through specific non-
13 postal products and services that are expressly authorized
14 by this chapter.

15 “§ 3702. Definitions

16 “In this chapter—

17 “(1) the term ‘nonpostal services’ is limited to
18 services offered by the Postal Service that are ex-
19 pressly authorized by this chapter and are not postal
20 products or services;

1 “(2) the term ‘costs attributable’ has the mean-
2 ing given such term in section 3631;

3 “(3) the term ‘year’ means a fiscal year;

4 “(4) the term ‘local government’ means a coun-
5 ty, municipality, city, town, township, local public
6 authority, school district, special district, intrastate
7 district, council of governments, or regional or inter-
8 state government entity;

9 “(5) the term ‘State government’ includes the
10 government of the District of Columbia, the Com-
11 monwealth of Puerto Rico, the United States Virgin
12 Islands, Guam, American Samoa, the Common-
13 wealth of the Northern Mariana Islands, and any
14 other territory or possession of the United States;

15 “(6) the term ‘tribal government’ means the
16 government of an Indian tribe, as that term is de-
17 fined in section 4 of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C. 5304);
19 and

20 “(7) the term ‘United States’, when used in a
21 geographical sense, means the States, the District of
22 Columbia, the Commonwealth of Puerto Rico, the
23 United States Virgin Islands, Guam, American
24 Samoa, the Commonwealth of the Northern Mariana

1 Islands, and any other territory or possession of the
2 United States.

3 **§ 3703. Postal Service program for State governments**

5 “(a) IN GENERAL.—Notwithstanding any other provision of this title, the Postal Service may establish a program to enter into agreements with an agency of any State government, local government, or tribal government to provide property or nonpostal services to the public on behalf of such agencies for non-commercial purposes, but only if—

12 “(1) such property or nonpostal services—

13 “(A) provide enhanced value to the public, such as by lowering the cost or raising the quality of such services or by making such services more accessible;

17 “(B) do not interfere with or detract from the value of postal services, including by—

19 “(i) harming the cost and efficiency of postal services; and

21 “(ii) unreasonably restricting access to postal retail service, such as customer waiting time and access to parking; and

24 “(2) such agreements provide a net contribution to the Postal Service, defined as reimbursement that

1 covers at least 100 percent of the costs attributable
2 to all property and nonpostal services provided under
3 each relevant agreement in each year, except that
4 agreements determined to be substantially similar by
5 the Postal Service with the concurrence of the Postal
6 Regulatory Commission shall be reviewed based on
7 their collective revenue and costs attributable.

8 “(b) PUBLIC NOTICE.—Not more than 90 days after
9 offering a service under the program, the Postal Service
10 shall make available to the public on its website—

11 “(1) the agreement with the agency regarding
12 such service; and

13 “(2) a business plan that describes the specific
14 property or nonpostal service to be provided, the en-
15 hanced value to the public, and terms of reimburse-
16 ment to the Postal Service.

17 “(c) APPROVAL REQUIRED.—The Postal Service may
18 not establish the program under subsection (a) unless the
19 Governors of the Postal Service approve such program by
20 a recorded vote that is publicly disclosed on the Postal
21 Service website with a majority of the Governors then in
22 office voting for approval.

23 “(d) CONFIDENTIAL INFORMATION.—Subsection (b)
24 shall not be construed as requiring the Postal Service to
25 disclose to the public any information—

1 “(1) described in section 410(c); or
2 “(2) exempt from public disclosure under sec-
3 tion 552(b) of title 5.

4 **“§ 3704. Postal Service program for other Govern-
5 ment agencies**

6 “The Postal Service may establish a program to pro-
7 vide property and nonpostal services to other Government
8 agencies within the meaning of section 411, but only if
9 such program provides a net contribution to the Postal
10 Service, defined as reimbursement that covers at least 100
11 percent of the costs attributable for property and non-
12 postal services provided by the Postal Service in each year
13 to such agencies.

14 **“§ 3705. Transparency and accountability for non-
15 postal services**

16 “(a) ANNUAL REPORT TO THE COMMISSION.—

17 “(1) IN GENERAL.—Not later than 90 days
18 after the last day of each year, the Postal Service
19 shall submit to the Postal Regulatory Commission a
20 report that analyzes costs, revenues, rates, and qual-
21 ity of service for each agreement or substantially
22 similar set of agreements for the provision of prop-
23 erty or nonpostal services under section 3703 or the
24 program as a whole under section 3704, and any
25 other nonpostal service authorized under this chap-

1 ter, using such methodologies as the Commission
2 may prescribe, and in sufficient detail to dem-
3 onstrate compliance with the requirements of this
4 chapter.

5 “(2) SUPPORTING MATTER.—A report sub-
6 mitted under paragraph (1) shall include any non-
7 public annex, the working papers, and any other
8 supporting matter of the Postal Service and the In-
9 spector General related to the information submitted
10 in such report.

11 “(b) CONTENT AND FORM OF REPORT.—

12 “(1) IN GENERAL.—The Postal Regulatory
13 Commission shall, by regulation, prescribe the con-
14 tent and form of the report required under sub-
15 section (a). In prescribing such regulations, the
16 Commission shall give due consideration to—

17 “(A) providing the public with timely, ade-
18 quate information to assess compliance;

19 “(B) avoiding unnecessary or unwarranted
20 administrative effort and expense on the part of
21 the Postal Service; and

22 “(C) protecting the confidentiality of infor-
23 mation that is commercially sensitive or is ex-
24 empt from public disclosure under section
25 552(b) of title 5.

1 “(2) REVISED REQUIREMENTS.—The Commis-
2 sion may, on its own motion or on request of any
3 interested party, initiate proceedings to improve the
4 quality, accuracy, or completeness of Postal Service
5 data required by the Commission if—

6 “(A) the attribution of costs or revenues to
7 property, products, or services under this chap-
8 ter has become significantly inaccurate or can
9 be significantly improved;

10 “(B) the quality of service data provided to
11 the Commission for a report under this chapter
12 has become significantly inaccurate or can be
13 significantly improved; or

14 “(C) such revisions are, in the judgment of
15 the Commission, otherwise necessitated by the
16 public interest.

17 “(c) AUDITS.—The Inspector General shall regularly
18 audit the data collection systems and procedures used in
19 collecting information and preparing the report required
20 under subsection (a). The results of any such audit shall
21 be submitted to the Postal Service and the Postal Regu-
22 latory Commission.

23 “(d) CONFIDENTIAL INFORMATION.—

24 “(1) IN GENERAL.—If the Postal Service deter-
25 mines that any document or portion of a document,

1 or other matter, which it provides to the Postal Reg-
2 ulatory Commission in a nonpublic annex under this
3 section contains information described in section
4 410(c), or exempt from public disclosure under sec-
5 tion 552(b) of title 5, the Postal Service shall, at the
6 time of providing such matter to the Commission,
7 notify the Commission of its determination, in writ-
8 ing, and describe with particularity the documents
9 (or portions of documents) or other matter for which
10 confidentiality is sought and the reasons therefor.

11 “(2) TREATMENT.—Any information or other
12 matter described in paragraph (1) to which the
13 Commission gains access under this section shall be
14 subject to paragraphs (2) and (3) of section 504(g)
15 in the same way as if the Commission had received
16 notification with respect to such matter under sec-
17 tion 504(g)(1).

18 “(e) ANNUAL COMPLIANCE DETERMINATION.—

19 “(1) OPPORTUNITY FOR PUBLIC COMMENT.—
20 Upon receiving a report required under subsection
21 (a), the Postal Regulatory Commission shall prompt-
22 ly—

23 “(A) provide an opportunity for comment
24 on such report by any interested party; and

1 “(B) appoint an officer of the Commission
2 to represent the interests of the general public.

3 “(2) DETERMINATION OF COMPLIANCE OR NON-
4 COMPLIANCE.—Not later than 90 days after receiv-
5 ing a report required under subsection (a), the Post-
6 al Regulatory Commission shall make a written de-
7 termination as to whether the activities carried out
8 pursuant to this chapter during the applicable year
9 were or were not in compliance with the provisions
10 of this chapter. For purposes of this paragraph, any
11 case in which the requirements for coverage of costs
12 attributable have not been met shall be considered to
13 be a case of noncompliance. If, with respect to a
14 year, no instance of noncompliance is found to have
15 occurred, the determination shall be to that effect.
16 Such determination of noncompliance shall be in-
17 cluded with the annual compliance determination re-
18 quired under section 3653.

19 “(3) NONCOMPLIANCE.—If a timely written de-
20 termination of noncompliance is made under para-
21 graph (2), the Postal Regulatory Commission shall
22 take appropriate action. If the requirements for cov-
23 erage of costs attributable specified by this chapter
24 are not met, the Commission shall, within 60 days
25 after the determination, prescribe remedial action to

1 restore compliance as soon as practicable, including
2 the full restoration of revenue shortfalls during the
3 following year. The Commission may order the Post-
4 al Service to discontinue a nonpostal service under
5 section 3703 that persistently fails to meet cost cov-
6 erage requirements.

7 “(4) DELIBERATE NONCOMPLIANCE.—In the
8 case of deliberate noncompliance by the Postal Serv-
9 ice with the requirements of this chapter, the Postal
10 Regulatory Commission may order, based on the na-
11 ture, circumstances, extent, and seriousness of the
12 noncompliance, a fine (in the amount specified by
13 the Commission in its order) for each incidence of
14 such noncompliance. All receipts from fines imposed
15 under this subsection shall be deposited in the gen-
16 eral fund of the Treasury.

17 “(f) REGULATIONS REQUIRED.—The Postal Regu-
18 latory Commission shall issue such regulations as are nec-
19 essary to carry out this section.

20 “(g) EXPERIMENTAL PRODUCT AUTHORITY.—The
21 Postal Service may conduct market tests of agreements
22 pursuant to section 3703 and section 3704 of this chapter
23 subject to the same terms and conditions described in sec-
24 tion 3641 of this title. For the purposes of a market test,

1 the cost coverage requirements in sections 3703 and 3704
2 of this chapter shall not apply.”.

3 (2) CLERICAL AMENDMENT.—The table of
4 chapters for part IV of title 39, United States Code,
5 is amended by adding after the item relating to
6 chapter 36 the following:

“37. Nonpostal services 3701”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) SECTION 404.—Section 404(e) of title 39,
9 United States Code, is amended in paragraph (2),
10 by inserting after “subsection” the following: “, or
11 any nonpostal products or services authorized by
12 chapter 37”.

13 (2) SECTION 411.—The last sentence of section
14 411 of title 39, United States Code, is amended by
15 striking “including reimbursability” and inserting
16 “including reimbursability within the limitations of
17 chapter 37”.

18 (3) TREATMENT OF EXISTING NONPOSTAL
19 SERVICES.—All individual nonpostal services, pro-
20 vided directly or through licensing, that are contin-
21 ued pursuant to section 404(e) of title 39, United
22 States Code, shall be considered to be expressly au-
23 thorized by chapter 37 of such title (as added by
24 subsection (a)(1)) and shall be subject to the re-

1 uirements of section 3705, subsections (a) through
2 (d).

3 **TITLE II—POSTAL SERVICE
4 OPERATIONAL REFORMS**

5 **SEC. 201. PERFORMANCE TARGETS AND TRANSPARENCY.**

6 (a) IN GENERAL.—Subchapter VII of chapter 36 of
7 title 39, United States Code, is amended by inserting after
8 section 3691 the following:

9 **“§ 3692. Performance targets and transparency**

10 “(a) PERFORMANCE TARGETS.—Each year, to en-
11 sure that mail service for postal customers meets the serv-
12 ice standards for market-dominant products, established
13 under section 3691, the Postal Service shall—

14 “(1) not later than 60 days after the beginning
15 of the fiscal year in which they will apply, establish
16 and provide to the Postal Regulatory Commission
17 reasonable targets for performance; and

18 “(2) provide the previous fiscal year’s perform-
19 ance targets in its Annual Compliance Report to the
20 Postal Regulatory Commission for evaluation of
21 compliance.

22 “(b) POSTAL REGULATORY COMMISSION DETER-
23 MINATION OF CERTAIN PERFORMANCE INFORMATION.—
24 Not later than 90 days after first receiving the perform-

1 ance targets under subsection (a)(1), the Postal Regu-
2 latory Commission shall provide to the Postal Service—

3 “(1) requirements for the Postal Service to
4 publish nationwide, regional, and local delivery area
5 performance information in accordance with sub-
6 section (c)(2) that—

7 “(A) are consistent with the organizational
8 structure of the delivery network of the Postal
9 Service (including at the District and Area or-
10 ganizational levels, or the functional equiva-
11 lents, and, to the extent practicable, at the U.S.
12 ZIP Code Area level);

13 “(B) reflect the most granular geographic
14 level of performance information appropriate
15 for the Postal Service to publish; and

16 “(C) includes time period segments for the
17 published geographic levels to satisfy the pub-
18 lishing requirements of subparagraphs (A) and
19 (C) of subsection (c)(2); and

20 “(2) recommendations for any modifications to
21 the Postal Service’s measurement systems necessary
22 to measure and publish the performance information
23 under subsection (c)(2) that the Postal Regulatory
24 Commission deems relevant.

25 “(c) PUBLIC PERFORMANCE DASHBOARD.—

1 “(1) IN GENERAL.—The Postal Service shall
2 develop and maintain a publicly available Website
3 with an interactive web-tool that provides perform-
4 ance information for market-dominant products that
5 is updated on a weekly basis.

6 “(2) PERFORMANCE INFORMATION.—The per-
7 formance information provided for a market-domi-
8 nant product on the Website shall include—

9 “(A) the type of market-dominant product;
10 “(B) performance information for different
11 geographic areas, consistent with subsection
12 (b);

13 “(C) performance information for different
14 time periods, including annual, quarterly,
15 monthly, and weekly segments;

16 “(D) comparisons of performance informa-
17 tion for market-dominant products to perform-
18 ance information for previous time periods to
19 facilitate identification of performance trends;
20 and

21 “(E) the performance targets then in ef-
22 fect, and the performance targets for the pre-
23 vious fiscal year, as established under sub-
24 section (a)(1).

1 “(3) COMPREHENSIBILITY.—The Website shall
2 include plain language descriptions of the elements
3 required under paragraph (2) and information on
4 the collection process, measurement methodology,
5 completeness, accuracy, and validity of the perform-
6 ance information provided on the Website.

7 “(4) ADDRESS SEARCH FUNCTIONALITY.—The
8 Website shall include functionality to enable a user
9 to search for performance information by street ad-
10 dress, ZIP Code, or post office box.

11 “(5) FORMAT.—The Postal Service shall make
12 the performance information provided on the
13 Website available—

14 “(A) in a manner that—

15 “(i) presents the information required
16 under paragraph (2) on an interactive
17 dashboard;

18 “(ii) is searchable and may be sorted
19 and filtered by the elements described in
20 paragraph (2); and

21 “(iii) to the extent practicable, enables
22 any person or entity to download in bulk—

23 “(I) such performance informa-
24 tion; and

1 “(II) the results of a search by
2 the elements described in paragraph
3 (2);

4 “(B) under an ‘open license’ which has the
5 meaning given that term in section 3502 of title
6 44; and

7 “(C) as an ‘open Government data asset’
8 and in a ‘machine-readable’ format which have
9 the meaning given those terms in section 3502
10 of title 44.

11 “(6) CONSULTATION.—The Postal Service shall
12 regularly consult with the Postal Regulatory Com-
13 mission on appropriate features and information to
14 be included on the Website.

15 “(7) PUBLIC INPUT.—The Postal Service
16 shall—

17 “(A) solicit public input on the design and
18 implementation of the Website; and

19 “(B) maintain a public feedback tool to en-
20 sure each feature of, and the information on,
21 the Website is usable and understandable.

22 “(8) DEADLINE.—The Postal Service shall im-
23 plement and make available to the public (and make
24 any subsequent changes in accordance with sub-
25 section (b)) the Website not later than 60 days from

1 the date on which the Postal Service receives the re-
2 quirements and recommendations from the Postal
3 Regulatory Commission under subsection (b), and
4 shall continuously update such information on the
5 Website as required by subsection (b).

6 “(9) AVAILABILITY.—A link and plain language
7 description of the Website shall be made available on
8 any webpage where performance targets and meas-
9 urements established under subsection (a)(1) are
10 made available to the public.

11 “(10) REPORTING.—The Postal Service, the
12 Postmaster General, or the Board, as applicable,
13 shall reference the dashboard described in paragraph
14 (5)(A)(i) in the Annual Performance Plan under sec-
15 tion 2803, the Annual Performance Report under
16 section 2804, and the Annual Report under section
17 2402.

18 “(11) DEFINITIONS.—In this subsection—

19 “(A) PERFORMANCE INFORMATION.—The
20 term ‘performance information’ means the ob-
21 jective external performance measurements es-
22 tablished under section 3691(b)(1)(D).

23 “(B) WEBSITE.—The term ‘Website’
24 means the website described in paragraph (1).”.

5 SEC. 202. INTEGRATED DELIVERY NETWORK.

6 (a) IN GENERAL.—Section 101(b) of title 39, United
7 States Code, is amended by inserting before “The Postal
8 Service” the following: “The Postal Service shall maintain
9 an integrated network for the delivery of market-dominant
10 and competitive products (as defined in chapter 36 of this
11 title). Delivery shall occur at least six days a week, except
12 during weeks that include a Federal holiday, in emergency
13 situations, such as natural disasters, or in geographic
14 areas where the Postal Service has established a policy of
15 delivering mail fewer than six days a week as of the date
16 of enactment of the Postal Service Reform Act of 2022.”.

17 (b) RULE OF CONSTRUCTION.—Nothing in sub-
18 section (a) or the amendment made by such subsection
19 is intended to alter or amend the requirements of chapters
20 20 or 36 of title 39, United States Code, and related im-
21 plementing regulations, including provisions relating to
22 costing, accounting, or rates.

1 SEC. 203. REVIEW OF POSTAL SERVICE COST ATTRIBUTION**2 GUIDELINES.**

3 Not later than the date that is one year after the
4 date of the enactment of this Act, the Postal Regulatory
5 Commission shall initiate a review of the regulations
6 issued pursuant to sections 3633(a) and 3652(a)(1) of
7 title 39, United States Code, to determine whether revi-
8 sions are appropriate to ensure that all direct and indirect
9 costs attributable to competitive and market-dominant
10 products are properly attributed to those products, includ-
11 ing by considering the underlying methodologies in deter-
12 mining cost attribution and considering options to revise
13 such methodologies. If the Commission determines, after
14 notice and opportunity for public comment, that revisions
15 are appropriate, the Commission shall make modifications
16 or adopt alternative methodologies as necessary.

17 SEC. 204. RURAL NEWSPAPER SUSTAINABILITY.

18 Section 3626(h) of title 39, United States Code, is
19 amended by striking “10 percent” and inserting “50 per-
20 cent”.

21 SEC. 205. FUNDING OF POSTAL REGULATORY COMMISSION.

22 (a) IN GENERAL.—Subsection (d) of section 504 of
23 title 39, United States Code, is amended to read as fol-
24 lows:

25 “(d)(1) Not later than September 1 of each fiscal
26 year (beginning with fiscal year 2022), the Postal Regu-

1 latory Commission shall submit to the Postal Service a
2 budget of the Commission's expenses, including expenses
3 for facilities, supplies, compensation, and employee bene-
4 fits, for the following fiscal year. Any such budget shall
5 be deemed approved as submitted if the Governors fail to
6 adjust the budget in accordance with paragraph (2).

7 "(2)(A) Not later than 30 days after receiving a
8 budget under paragraph (1), the Governors holding office,
9 by unanimous written decision, may adjust the total
10 amount of funding requested in such budget. Nothing in
11 this subparagraph may be construed to authorize the Gov-
12 ernors to adjust any activity proposed to be funded by the
13 budget.

14 "(B) If the Governors adjust the budget under sub-
15 paragraph (A), the Postal Regulatory Commission shall
16 adjust the suballocations within such budget to reflect the
17 total adjustment made by the Governors. The budget shall
18 be deemed approved on the date the Commission makes
19 any such adjustments. The Commission may make further
20 adjustments to the suballocations within such budget as
21 necessary.

22 "(3) Expenses incurred under any budget approved
23 under this subsection shall be paid out of the Postal Serv-
24 ice Fund established under section 2003.".

1 (b) CONFORMING AMENDMENTS.—Title 39, United
2 States Code, is amended—

3 (1) in section 2003(e), by striking “(B) all ex-
4 penses of the Postal Regulatory Commission, subject
5 to the availability of amounts appropriated under
6 section 504(d);” and inserting “(B) all expenses of
7 the Postal Regulatory Commission, pursuant to sec-
8 tion 504(d);”; and

9 (2) in section 2009—

10 (A) by striking “, (2)” and inserting “,
11 and (2)”'; and

12 (B) by striking “, and (3) the Postal Regu-
13 latory Commission requests to be appropriated,
14 out of the Postal Service Fund, under section
15 504(d) of this title”.

16 **SEC. 206. FLATS OPERATIONS STUDY AND REFORM.**

17 (a) FLATS OPERATIONS STUDY.—

18 (1) IN GENERAL.—The Postal Regulatory Com-
19 mission, in consultation with the Inspector General
20 of the United States Postal Service, shall conduct a
21 study to—

22 (A) comprehensively identify the causes of
23 inefficiencies in the collection, sorting, transpor-
24 tation, and delivery of Flats; and

1 (B) quantify the effects of the volume
2 trends, investments decisions, excess capacity,
3 and operational inefficiencies of the Postal
4 Service on the direct and indirect costs of the
5 Postal Service that are attributable to Flats.

11 (A) access to Postal Service facilities to
12 personnel of the Postal Regulatory Commission;
13 and

14 (B) information and records necessary to
15 conduct such study.

16 (3) REPORT.—Not later than one year after the
17 date of the enactment of this Act, the Postal Regu-
18 latory Commission shall submit to Congress and the
19 Postmaster General a report on the findings of the
20 study conducted under paragraph (1).

1 (b) FLATS OPERATIONS REFORM.—

2 (1) IN GENERAL.—Not later than six months
3 after the date on which the Postal Regulatory Com-
4 mission submits the report described in subsection
5 (a)(3), the Postal Service shall—6 (A) develop and implement a plan to rem-
7 edy each inefficiency identified in the study con-
8 ducted under subsection (a)(1) to the extent
9 practicable; and10 (B) if the Postal Service determines that
11 remedying any such inefficiency is not prac-
12 ticable, provide to Congress and the Postal Reg-
13 ulatory Commission an explanation why rem-
14 edying such inefficiency is not practicable, in-
15 cluding whether it may become practicable to
16 remedy such inefficiency at a later time.17 (2) IMPLEMENTATION REQUIREMENTS.—Prior
18 to implementing the plan described in paragraph
19 (1)—20 (A) the Postal Regulatory Commission
21 must approve the plan; and22 (B) the Postal Service shall provide an
23 adequate opportunity for public comment on the
24 plan.

7 (c) SUBSEQUENT RATE ADJUSTMENTS.—During the
8 five-year period beginning on the date on which the Postal
9 Regulatory Commission submits a report under subsection
10 (a)(3), the Postal Service, when making any adjustment
11 to the rate of a market-dominant product (as defined in
12 section 102 of title 39, United States Code), shall consider
13 the findings of such report and, after the plan described
14 in subsection (b)(1) is implemented, the plan's efficacy in
15 remedying the inefficiencies identified in the study con-
16 ducted under subsection (a)(1).

17 SEC. 207. REPORTING REQUIREMENTS.

18 (a) IN GENERAL.—Not later than 240 days after the
19 date of the enactment of this Act, and every six months
20 thereafter, the Postmaster General shall submit to the
21 President, the Postal Regulatory Commission, the Com-
22 mittee on Homeland Security and Governmental Affairs
23 of the Senate, and the Committee on Oversight and Re-
24 form of the House of Representatives a report on the oper-
25 ations and financial condition of the Postal Service during

1 the six-month period ending 60 days before the date on
2 which the Postmaster General submits such report.

3 (b) CONTENTS.—Each report submitted under this
4 section shall include updates, details of changes from pre-
5 vious standards and requirements, and assessments of
6 progress being made on the operations and financial con-
7 dition of the Postal Service, including—

8 (1) the actual mail and package volume growth
9 relative to any mail or package volume growth pro-
10 jections previously made or relied upon by the Postal
11 Service, including a discussion of the reasons for the
12 differences in projections and the associated adjust-
13 ments being made;

14 (2) the effect of pricing changes on product vol-
15 ume for market-dominant and competitive products,
16 and associated revenue effects on financial projec-
17 tions, including a discussion of the reasons behind
18 the differences in projections and associated adjust-
19 ments being made;

20 (3) customer use of network distribution cen-
21 ters and processing and distribution centers;

22 (4) the status of the USPS Connect program
23 and revenue effects of the program on the financial
24 projections;

7 (6) the use of USPS Connect Returns service
8 among customers, and associated costs and revenue
9 effects;

10 (7) the use of USPS E-Commerce Marketplace
11 among customers, and associated costs and revenue
12 effects;

13 (8) updates on the reliability, efficiency, and
14 cost-effectiveness of the transportation network, in-
15 cluding the manner in which ground transportation
16 is utilized over air transportation for types of mar-
17 ket-dominant products and competitive products;

18 (9) a review of efforts to enhance employee
19 training, safety, and wellbeing, including associated
20 effects on employee recruitment, satisfaction, and re-
21 tention;

(10) a review of efforts being made to improve employee allocation, including changes of non-career employees to career status, and any associated im-

1 pacts to operational expenses and processing, trans-
2 portation, and delivery efficiency;

3 (11) the rate of planned investment into Postal
4 Service processing, transportation, and delivery
5 equipment and infrastructure for market-dominant
6 and competitive products, and a review of any asso-
7 ciated effects on operational expenses and efficiency;

8 (12) changes to network distribution centers
9 and the expansion of regional distribution centers,
10 including costs associated with the changes and any
11 realized reduction in operational expenses or im-
12 proved resource efficiencies;

13 (13) a review of the ability of the Postal Service
14 to meet performance targets established under sec-
15 tion 3692(a)(1) of title 39, United States Code;

16 (14) a discussion of the progress of the Postal
17 Service in achieving any new, self-funded invest-
18 ments, including the amounts realized and expended
19 to date, and a discussion of the reasons behind any
20 disparities in the assumptions regarding the ex-
21 pected progress of the Postal Service getting new,
22 self-funded investments to accommodate changes;
23 and

24 (15) any other information the Postal Service
25 determines relevant, such as barriers or unantici-

1 pated events, in order to help the Postal Regulatory
2 Commission, Congress, the President, and the Amer-
3 ican public evaluate the success or difficulties faced
4 by the Postal Service in implementing the reform
5 plan.

6 (c) CONFIDENTIAL INFORMATION.—

7 (1) IN GENERAL.—The report required under
8 this subsection shall be submitted in a form that ex-
9 cludes any proprietary or confidential information
10 and trade secrets.

11 (2) NOTIFICATION.—If the Postal Service de-
12 termines that any information must be excluded
13 under paragraph (1), the Postal Service shall, at the
14 time of submitting the report, notify the President,
15 the Committee on Oversight and Reform of the
16 House of Representatives, the Committee on Home-
17 land Security and Governmental Affairs of the Sen-
18 ate, and the Postal Regulatory Commission in writ-
19 ing of its determination and describe in detail the in-
20 formation for which confidentiality is sought and the
21 reasons therefor.

22 (3) ANNEXES.—The Postal Service shall submit
23 to the persons and entities notified under paragraph
24 (2) any information excluded under paragraph (1) in

1 an annex that shall be treated as confidential in ac-
2 cordance with paragraph (4).

3 (4) TREATMENT.—No person may, with respect
4 to any information which such person receives under
5 paragraph (4)—

6 (A) use such information for purposes
7 other than the purposes for which it is supplied;
8 or

9 (B) permit any person or entity other than
10 a person or entity notified under paragraph (2),
11 or the staff thereof, to have access to any such
12 information.

13 (d) TERMINATION.—This section shall terminate on
14 the date that is five years after the date on which the first
15 report required by this section is submitted.

16 **SEC. 208. POSTAL SERVICE TRANSPORTATION SELECTION
17 POLICY REVISIONS.**

18 Section 101(f) of title 39, United States Code, is
19 amended—

20 (1) by striking “prompt and economical” and
21 inserting “prompt, economical, consistent, and reli-
22 able”;

23 (2) by inserting after “all mail” the following:
24 “in a manner that increases operational efficiency
25 and reduces complexity”;

3 (4) by inserting “also” after “Nation shall”.

4 SEC. 209. USPS INSPECTOR GENERAL OVERSIGHT OF POST-
5 AL REGULATORY COMMISSION.

6 (a) IN GENERAL.—Section 8G of the Inspector Gen-
7 eral Act of 1978 (5 U.S.C. App.) is amended—

8 (1) in subsection (a)(2), by striking “the Postal
9 Regulatory Commission.”; and

10 (2) in subsection (f)—

11 (A) in paragraph (2)—

12 (i) by striking “(2) In carrying” and
13 inserting “(2)(A) In carrying”; and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(B) In carrying out the duties and responsibil-
17 ties specified in this Act, the Inspector General of
18 the United States Postal Service shall function as
19 the Inspector General for the Postal Regulatory
20 Commission, and shall have equal responsibility over
21 the United States Postal Service and the Postal
22 Regulatory Commission. The Commission shall com-
23 ply with the Inspector General’s oversight as if the
24 Commission were a designated Federal entity under
25 subsection (a)(2) and as if the Inspector General

1 were the inspector general of the Commission. The
2 Governors of the Postal Service shall not direct over-
3 sight activities for the Postal Regulatory Commis-
4 sion.”;

5 (B) in paragraph (3)(A)(i), by inserting
6 “pertaining to the United States Postal Serv-
7 ice” after “subpoenas,”;

11 (D) in paragraph (3)(C), by inserting “or
12 the Postal Regulatory Commission” after “Gov-
13 ernors”;

14 (E) by redesignating paragraphs (4), (5),
15 and (6) as paragraphs (5), (6), and (7), respec-
16 tively; and

17 (F) by inserting after paragraph (3) the
18 following:

19 “(4) For activities pertaining to the Postal Reg-
20 ulatory Commission, sections 4, 5, 6 (other than
21 subsection (g) thereof), and 7 of this Act shall be
22 applied by substituting the term ‘head of the Postal
23 Regulatory Commission’ for ‘head of the establish-
24 ment’.”.

1 (b) APPOINTMENT AND REMOVAL.—Section 202 of
2 title 39, United States Code, is amended—

3 (1) in subsection (e)(1), by striking “The Gov-
4 ernors shall appoint” and inserting “The Governors
5 and the members of the Postal Regulatory Commis-
6 sion shall appoint, by a favorable vote of a majority
7 of the Governors in office and of a majority of the
8 members of the Commission in office,”; and

9 (2) in subsection (e)(3), by inserting “and 3
10 members of the Postal Regulatory Commission”
11 after “at least 7 Governors”.

12 (c) SAVINGS PROVISION.—

13 (1) PERSONNEL, DOCUMENTS, ASSETS.—All
14 personnel, documents, assets, unexpended balances
15 of appropriations, and obligations of the Inspector
16 General for the Postal Regulatory Commission shall
17 transfer to the Inspector General of the Postal Serv-
18 ice on the effective date of this section.

19 (2) LEGAL DOCUMENTS.—Any order, deter-
20 mination, rule, regulation, permit, grant, loan, con-
21 tract, agreement, certificate, license, or privilege that
22 has been issued, made, granted, or allowed to be-
23 come effective by the Inspector General of the Postal
24 Regulatory Commission that is in effect on the effec-
25 tive date of this section shall continue in effect ac-

1 cording to their terms until modified, terminated,
2 superseded, set aside, or revoked in accordance with
3 law.

4 (3) PROCEEDINGS.—This section and the
5 amendments made by this section shall not affect
6 any proceeding pending on the effective date of this
7 section before the Inspector General of the Postal
8 Regulatory Commission, but such proceeding shall
9 be continued by the Inspector General of the Postal
10 Service, at the discretion of that Inspector General.
11 Nothing in this paragraph shall be construed to pro-
12 hibit the discontinuance or modification of any such
13 proceeding under the same terms and conditions and
14 to the same extent that the proceeding could have
15 been discontinued or modified if this section and
16 those amendments had not been enacted.

17 (4) SUITS.—This section and the amendments
18 made by this section shall not affect any suit com-
19 menced before the effective date of this section, and
20 in any such suit, proceeding shall be had, appeals
21 taken, and judgments rendered in the same manner
22 and with the same effect as if this section or such
23 amendments had not been enacted.

24 (5) REFERENCES.—Any reference in any other
25 Federal law, Executive order, rule, regulation, or

1 delegation of authority, or any document relating to
2 the Inspector General of the Postal Regulatory Com-
3 mission shall be deemed to refer to the Inspector
4 General of the United States Postal Service.

5 (d) TECHNICAL AND CONFORMING AMENDMENT.—
6 Section 504 of title 39, United States Code, is amended
7 by striking subsection (h).

8 (e) EFFECTIVE DATE.—This section and the amend-
9 ments made by this section shall take effect on the date
10 that is 180 days after the date of enactment of this Act.

11 **TITLE III—SEVERABILITY**

12 **SEC. 301. SEVERABILITY.**

13 If any provision of this Act or any amendment made
14 by this Act, or the application of a provision of this Act
15 or an amendment made by this Act to any person or cir-
16 cumstance, is held to be unconstitutional, the remainder
17 of this Act, and the application of the provisions to any
18 person or circumstance, shall not be affected by the hold-
19 ing.

