

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

(iii) to the extent practicable, enables any person or entity to download in bulk—
 (I) such performance information; and
 (II) the results of a search by the elements described in paragraph (2);

(B) under an “open license” which has the meaning given that term in section 3502 of title 44; and

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

(6) CONSULTATION.—The Postal Service shall regularly consult with the Postal Regulatory Commission on appropriate features and information to be included on the Website.

(7) PUBLIC INPUT.—The Postal Service shall—

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

(B) maintain a public feedback tool to ensure each feature of, and the information on, the Website is usable and understandable.

(8) DEADLINE.—The Postal Service shall implement and make available to the public (and make any subsequent changes in accordance with subsection (b)) the Website not later than 60 days from the date on which the Postal Service receives the requirements and recommendations from the Postal Regulatory Commission under subsection (b), and shall continuously update such information on the Website as required by subsection (b).

(9) AVAILABILITY.—A link and plain language description of the Website shall be made available on any webpage where performance targets and measurements established under subsection (a)(1) are made available to the public.

(10) REPORTING.—The Postal Service, the Postmaster General, or the Board, as applicable, shall reference the dashboard described in paragraph (5)(A)(i) in the Annual Performance Plan under section 2803, the Annual Performance Report under section 2804, and the Annual Report under section 2402.

(11) DEFINITIONS.—In this subsection—

(A) PERFORMANCE INFORMATION.—The term “performance information” means the objective external performance measurements established under section 3691(b)(1)(D).

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

(Added Pub. L. 117-108, title II, §201(a), Apr. 6, 2022, 136 Stat. 1144.)

CHAPTER 37—NONPOSTAL SERVICES

Sec.	
3701.	Purpose.
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3704.	Postal Service program for other Government agencies.
3705.	Transparency and accountability for non-postal services.

§ 3701. Purpose

The purpose of this chapter is to enable the Postal Service to increase its net revenues

through specific nonpostal products and services that are expressly authorized by this chapter.

(Added Pub. L. 117-108, title I, §103(a)(1), Apr. 6, 2022, 136 Stat. 1140.)

§ 3702. Definitions

In this chapter—

(1) the term “nonpostal services” is limited to services offered by the Postal Service that are expressly authorized by this chapter and are not postal products or services;

(2) the term “costs attributable” has the meaning given such term in section 3631;

(3) the term “year” means a fiscal year;

(4) the term “local government” means a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments, or regional or interstate government entity;

(5) the term “State government” includes the government of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States;

(6) the term “tribal government” means the government of an Indian tribe, as that term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304); and

(7) the term “United States”, when used in a geographical sense, means the States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(Added Pub. L. 117-108, title I, §103(a)(1), Apr. 6, 2022, 136 Stat. 1140.)

§ 3703. Postal Service program for State governments

(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—

(1) such property or nonpostal services—

(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;

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

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

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

(2) such agreements provide a net contribution to the Postal Service, defined as reimbursement that covers at least 100 percent of the costs attributable to all property and non-

postal services provided under each relevant agreement in each year, except that agreements determined to be substantially similar by the Postal Service with the concurrence of the Postal Regulatory Commission shall be reviewed based on their collective revenue and costs attributable.

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

- (1) the agreement with the agency regarding such service; and
- (2) a business plan that describes the specific property or nonpostal service to be provided, the enhanced value to the public, and terms of reimbursement to the Postal Service.

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

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

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

(Added Pub. L. 117–108, title I, §103(a)(1), Apr. 6, 2022, 136 Stat. 1141.)

§ 3704. Postal Service program for other Government agencies

The Postal Service may establish a program to provide property and nonpostal services to other Government agencies within the meaning of section 411, but only if such program provides a net contribution to the Postal Service, defined as reimbursement that covers at least 100 percent of the costs attributable for property and nonpostal services provided by the Postal Service in each year to such agencies.

(Added Pub. L. 117–108, title I, §103(a)(1), Apr. 6, 2022, 136 Stat. 1142.)

§ 3705. Transparency and accountability for nonpostal services

(a) ANNUAL REPORT TO THE COMMISSION.—

(1) IN GENERAL.—Not later than 90 days after the last day of each year, the Postal Service shall submit to the Postal Regulatory Commission a report that analyzes costs, revenues, rates, and quality of service for each agreement or substantially similar set of agreements for the provision of property or nonpostal services under section 3703 or the program as a whole under section 3704, and any other nonpostal service authorized under this chapter, using such methodologies as the Commission may prescribe, and in sufficient detail to demonstrate compliance with the requirements of this chapter.

(2) SUPPORTING MATTER.—A report submitted under paragraph (1) shall include any nonpublic annex, the working papers, and any other supporting matter of the Postal Service

and the Inspector General related to the information submitted in such report.

(b) CONTENT AND FORM OF REPORT.—

(1) IN GENERAL.—The Postal Regulatory Commission shall, by regulation, prescribe the content and form of the report required under subsection (a). In prescribing such regulations, the Commission shall give due consideration to—

- (A) providing the public with timely, adequate information to assess compliance;
- (B) avoiding unnecessary or unwarranted administrative effort and expense on the part of the Postal Service; and
- (C) protecting the confidentiality of information that is commercially sensitive or is exempt from public disclosure under section 552(b) of title 5.

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

- (A) the attribution of costs or revenues to property, products, or services under this chapter has become significantly inaccurate or can be significantly improved;
- (B) the quality of service data provided to the Commission for a report under this chapter has become significantly inaccurate or can be significantly improved; or
- (C) such revisions are, in the judgment of the Commission, otherwise necessitated by the public interest.

(c) AUDITS.—The Inspector General shall regularly audit the data collection systems and procedures used in collecting information and preparing the report required under subsection (a). The results of any such audit shall be submitted to the Postal Service and the Postal Regulatory Commission.

(d) CONFIDENTIAL INFORMATION.—

(1) IN GENERAL.—If the Postal Service determines that any document or portion of a document, or other matter, which it provides to the Postal Regulatory Commission in a nonpublic annex under this section contains information described in section 410(c), or exempt from public disclosure under section 552(b) of title 5, the Postal Service shall, at the time of providing such matter to the Commission, notify the Commission of its determination, in writing, and describe with particularity the documents (or portions of documents) or other matter for which confidentiality is sought and the reasons therefor.

(2) TREATMENT.—Any information or other matter described in paragraph (1) to which the Commission gains access under this section shall be subject to paragraphs (2) and (3) of section 504(g) in the same way as if the Commission had received notification with respect to such matter under section 504(g)(1).

(e) ANNUAL COMPLIANCE DETERMINATION.—

(1) OPPORTUNITY FOR PUBLIC COMMENT.—Upon receiving a report required under subsection (a), the Postal Regulatory Commission shall promptly—