

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—

(A) provide an opportunity for comment on such report by any interested party; and  
 (B) appoint an officer of the Commission to represent the interests of the general public.

(2) DETERMINATION OF COMPLIANCE OR NON-COMPLIANCE.—Not later than 90 days after receiving a report required under subsection (a), the Postal Regulatory Commission shall make a written determination as to whether the activities carried out pursuant to this chapter during the applicable year were or were not in compliance with the provisions of this chapter. For purposes of this paragraph, any case in which the requirements for coverage of costs attributable have not been met shall be considered to be a case of noncompliance. If, with respect to a year, no instance of noncompliance is found to have occurred, the determination shall be to that effect. Such determination of noncompliance shall be included with the annual compliance determination required under section 3653.

(3) NONCOMPLIANCE.—If a timely written determination of noncompliance is made under paragraph (2), the Postal Regulatory Commission shall take appropriate action. If the requirements for coverage of costs attributable specified by this chapter are not met, the Commission shall, within 60 days after the determination, prescribe remedial action to restore compliance as soon as practicable, including the full restoration of revenue shortfalls during the following year. The Commission may order the Postal Service to discontinue a nonpostal service under section 3703 that persistently fails to meet cost coverage requirements.

(4) DELIBERATE NONCOMPLIANCE.—In the case of deliberate noncompliance by the Postal Service with the requirements of this chapter, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of such noncompliance. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury.

(f) REGULATIONS REQUIRED.—The Postal Regulatory Commission shall issue such regulations as are necessary to carry out this section.

(g) EXPERIMENTAL PRODUCT AUTHORITY.—The Postal Service may conduct market tests of agreements pursuant to section 3703 and section 3704 of this chapter subject to the same terms and conditions described in section 3641 of this title. For the purposes of a market test, the cost coverage requirements in sections 3703 and 3704 of this chapter shall not apply.

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

## PART V—TRANSPORTATION OF MAIL

Chap.		Sec.
<b>50.</b>	<b>General .....</b>	<b>5001</b>
<b>[52.]</b>	<b>Repealed] .....</b>	<b>5201</b>
<b>54.</b>	<b>Transportation of Mail by Air .....</b>	<b>5401</b>

Chap.

**56. Transportation of Mail by Vessel .... 5601**

Sec.

### Editorial Notes

#### AMENDMENTS

2006—Pub. L. 109–435, title X, §1002(c), Dec. 20, 2006, 120 Stat. 3255, struck out item relating to chapter 52 “Transportation of Mail by Surface Carrier”.

## CHAPTER 50—GENERAL

Sec.

5001.	Provisions for carrying mail.
5002.	Transportation of mail of adjoining countries through the United States.
5003.	Establishment of post roads.
5004.	Discontinuance of service on post roads.
5005.	Mail transportation.
5006.	Lien on compensation of contractor.
5007.	Free transportation of postal employees.

### § 5001. Provisions for carrying mail

The Postal Service shall provide for the transportation of mail in accordance with the policies established under section 101(e) and (f) of this title and the provisions of this chapter. Notwithstanding any other provision of this title, the Postal Service may make arrangements on a temporary basis for the transportation of mail when, as determined by the Postal Service, an emergency arises. Such arrangements shall terminate when the emergency ceases and the Postal Service is promptly able to secure transportation services under other provisions of this title.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 766.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

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

### § 5002. Transportation of mail of adjoining countries through the United States

The Postal Service, with the consent of the President, may make arrangements to allow the mail of countries adjoining the United States to be transported over the territory of the United States from one point in that country to any other point therein, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of United States mail through the country to which the privilege is granted.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 766.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

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

### § 5003. Establishment of post roads

The following are post roads:

(1) the waters of the United States, during the time the mail is carried thereon;