

Congress on operations of the program established under this section, with the final report to include a detailed statement of the findings and conclusions of the GAO and any appropriate recommendations, was repealed by Pub. L. 112-234, §2(e)(1), Dec. 28, 2012, 126 Stat. 1624.

CHAPTER 5—POSTAL REGULATORY COMMISSION

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§ 501. Establishment

The Postal Regulatory Commission is an independent establishment of the executive branch of the Government of the United States.

(Added Pub. L. 109-435, title VI, §601(a)(1), Dec. 20, 2006, 120 Stat. 3238.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-435, title VI, §601(b), Dec. 20, 2006, 120 Stat. 3239, provided that: “The amendment made by subsection (a)(1) [enacting this section and section 502 of this title] shall not affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission (as so redesignated by section 604 [see Tables for classification]) under an appointment made before the date of enactment of this Act [Dec. 20, 2006] or any nomination made before that date, but, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment.”

FLATS OPERATIONS STUDY AND REFORM

Pub. L. 117-108, title II, §206, Apr. 6, 2022, 136 Stat. 1148, provided that:

“(a) FLATS OPERATIONS STUDY.—

“(1) IN GENERAL.—The Postal Regulatory Commission, in consultation with the Inspector General of the United States Postal Service, shall conduct a study to—

“(A) comprehensively identify the causes of inefficiencies in the collection, sorting, transportation, and delivery of Flats; and

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

“(2) POSTAL SERVICE ASSISTANCE.—For the purposes of carrying out the study under paragraph (1), the Postal Service shall, upon request by the Postal Regulatory Commission, consult with the Postal Regulatory Commission and provide—

“(A) access to Postal Service facilities to personnel of the Postal Regulatory Commission; and

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

“(3) REPORT.—Not later than one year after the date of the enactment of this Act [Apr. 6, 2022], the Postal Regulatory Commission shall submit to Congress and the Postmaster General a report on the findings of the study conducted under paragraph (1).

“(4) FLATS DEFINED.—In this subsection, the term ‘Flats’ means products that meet the physical standards described in the Domestic Mail Manual (as in effect on the date of the enactment of this Act) for Flats mail for any class of mail.

“(b) FLATS OPERATIONS REFORM.—

“(1) IN GENERAL.—Not later than six months after the date on which the Postal Regulatory Commission submits the report described in subsection (a)(3), the Postal Service shall—

“(A) develop and implement a plan to remedy each inefficiency identified in the study conducted under subsection (a)(1) to the extent practicable; and

“(B) if the Postal Service determines that remedying any such inefficiency is not practicable, provide to Congress and the Postal Regulatory Commission an explanation why remedying such inefficiency is not practicable, including whether it may become practicable to remedy such inefficiency at a later time.

“(2) IMPLEMENTATION REQUIREMENTS.—Prior to implementing the plan described in paragraph (1)—

“(A) the Postal Regulatory Commission must approve the plan; and

“(B) the Postal Service shall provide an adequate opportunity for public comment on the plan.

“(3) COMPLETION NOTICE.—On the date on which the plan described in paragraph (1) is fully implemented, as determined by the Postmaster General, the Postmaster General shall submit to Congress and the Postal Regulatory Commission a written notice of such implementation.

“(c) SUBSEQUENT RATE ADJUSTMENTS.—During the five-year period beginning on the date on which the Postal Regulatory Commission submits a report under subsection (a)(3), the Postal Service, when making any adjustment to the rate of a market-dominant product (as defined in section 102 of title 39, United States Code), shall consider the findings of such report and, after the plan described in subsection (b)(1) is implemented, the plan’s efficacy in remedying the inefficiencies identified in the study conducted under subsection (a)(1).”

[For definitions of “market-dominant product” and “Postal Service” as used in section 206 of Pub. L. 117-108, set out above, see section 102 of this title as made applicable by section 2(b) of Pub. L. 117-108, which is set out as a note below.]

ASSESSMENTS OF RATEMAKING, CLASSIFICATION, AND OTHER PROVISIONS

Pub. L. 109-435, title VII, §701, Dec. 20, 2006, 120 Stat. 3242, provided that:

“(a) IN GENERAL.—The Postal Regulatory Commission shall, at least every 5 years, submit a report to the President and Congress concerning—

“(1) the operation of the amendments made by this Act [see Tables for classification]; and

“(2) recommendations for any legislation or other measures necessary to improve the effectiveness or efficiency of the postal laws of the United States.

“(b) POSTAL SERVICE VIEWS.—A report under this section shall be submitted only after reasonable opportunity has been afforded to the Postal Service to review the report and to submit written comments on the report. Any comments timely received from the Postal Service under the preceding sentence shall be attached to the report submitted under subsection (a).”

REPORT ON UNIVERSAL POSTAL SERVICE AND THE POSTAL MONOPOLY

Pub. L. 109-435, title VII, §702, Dec. 20, 2006, 120 Stat. 3243, provided that:

“(a) REPORT BY THE POSTAL REGULATORY COMMISSION.—

“(1) IN GENERAL.—Not later than 24 months after the date of enactment of this Act [Dec. 20, 2006], the Postal Regulatory Commission shall submit a report to the President and Congress on universal postal service and the postal monopoly in the United States (in this section referred to as ‘universal service and the postal monopoly’), including the monopoly on the delivery of mail and on access to mailboxes.

“(2) CONTENTS.—The report under this subsection shall include—

“(A) a comprehensive review of the history and development of universal service and the postal monopoly, including how the scope and standards of universal service and the postal monopoly have evolved over time for the Nation and its urban and rural areas;

“(B) the scope and standards of universal service and the postal monopoly provided under current law (including sections 101 and 403 of title 39, United States Code), and current rules, regulations, policy statements, and practices of the Postal Service;

“(C) a description of any geographic areas, populations, communities (including both urban and rural communities), organizations, or other groups or entities not currently covered by universal service or that are covered but that are receiving service deficient in scope or quality or both; and

“(D) the scope and standards of universal service and the postal monopoly likely to be required in the future in order to meet the needs and expectations of the United States public, including all types of mail users, based on discussion of such assumptions, alternative sets of assumptions, and analyses as the Postal Service considers plausible.

“(b) RECOMMENDED CHANGES TO UNIVERSAL SERVICE AND THE MONOPOLY.—The Postal Regulatory Commission shall include in the report under subsection (a), and in all reports submitted under section 701 of this Act [set out as a note above]—

“(1) any recommended changes to universal service and the postal monopoly as the Commission considers appropriate, including changes that the Commission may implement under current law and changes that would require changes to current law, with estimated effects of the recommendations on the service, financial condition, rates, and security of mail provided by the Postal Service;

“(2) with respect to each recommended change described under paragraph (1)—

“(A) an estimate of the costs of the Postal Service attributable to the obligation to provide universal service under current law; and

“(B) an analysis of the likely benefit of the current postal monopoly to the ability of the Postal Service to sustain the current scope and standards of universal service, including estimates of the financial benefit of the postal monopoly to the extent practicable, under current law; and

“(3) such additional topics and recommendations as the Commission considers appropriate, with estimated effects of the recommendations on the service, financial condition, rates, and the security of mail provided by the Postal Service.

“(c) CONSULTATION.—In preparing the report required by this section, the Postal Regulatory Commission—

“(1) shall solicit written comments from the Postal Service and consult with the Postal Service and other Federal agencies, users of the mails, enterprises in the private sector engaged in the delivery of the mail, and the general public; and

“(2) shall address in the report any written comments received under this section.

“(d) CLARIFYING PROVISION.—Nothing in this section shall be considered to relate to any services that are not postal services within the meaning of section 102 of title 39, United States Code, as amended by section 101 of this Act.”

PROVISIONS RELATING TO COOPERATIVE MAILINGS

Pub. L. 109-435, title VII, § 711, Dec. 20, 2006, 120 Stat. 3248, provided that:

“(a) STUDY.—

“(1) IN GENERAL.—The Postal Regulatory Commission shall examine section E670.5.3 of the Domestic Mail Manual to determine whether it contains adequate safeguards to protect against—

“(A) abuses of rates for nonprofit mail; and

“(B) deception of consumers.

“(2) REPORT.—The Commission shall report the results of its examination to the Postal Service, along

with any recommendations that the Commission determines appropriate.

“(b) FAILURE TO ACT.—If the Postal Service fails to act on the recommendations of the Commission, the Commission may take such action as it determines necessary to prevent abuse of rates or deception of consumers.”

DEFINITIONS

Pub. L. 117-108, § 2, Apr. 6, 2022, 136 Stat. 1127, provided that:

“(a) COMMISSION.—In this Act [see Tables for classification], the term ‘Commission’ means the Postal Regulatory Commission.

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

§ 502. Commissioners

(a) The Postal Regulatory Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen solely on the basis of their technical qualifications, professional standing, and demonstrated expertise in economics, accounting, law, or public administration, and may be removed by the President only for cause. Each individual appointed to the Commission shall have the qualifications and expertise necessary to carry out the enhanced responsibilities accorded Commissioners under the Postal Accountability and Enhancement Act. Not more than 3 of the Commissioners may be adherents of the same political party.

(b) No Commissioner shall be financially interested in any enterprise in the private sector of the economy engaged in the delivery of mail matter.

(c) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under subsection (f).

(d) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

(e) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as Chairman of the Commission in the absence of the Chairman.

(f) The Commissioners shall serve for terms of 6 years.

(Added Pub. L. 109-435, title VI, § 601(a)(1), Dec. 20, 2006, 120 Stat. 3238.)

Editorial Notes

REFERENCES IN TEXT

The Postal Accountability and Enhancement Act, referred to in subsec. (a), is Pub. L. 109-435, Dec. 20, 2006, 120 Stat. 3198. For complete classification of this Act to the Code, see Short Title of 2006 Amendment note set out under section 101 of this title and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section not to affect the appointment or tenure of any person serving as a Commissioner on the Postal