

EFFECTIVE DATE OF 1993 AMENDMENT

Pub. L. 103-123, title VII, §704(c)(1), Oct. 28, 1993, 107 Stat. 1270, provided that: "The amendments made by subsection (a) [enacting section 3642 of this title and amending this section and section 3627 of this title] shall apply with respect to rates for mail sent after September 30, 1993."

Pub. L. 103-123, title VII, §705(d), Oct. 28, 1993, 107 Stat. 1272, provided that: "The amendments made by this section [amending this section] shall apply with respect to mail sent, and the rates for mail sent, after December 31, 1993."

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1(a) of Pub. L. 101-509 effective 90 days after Nov. 5, 1990, see section 1(c) of Pub. L. 101-509, set out as a note under section 2401 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Pub. L. 99-509, title VI, §6003(c), Oct. 21, 1986, 100 Stat. 1933, provided that: "The amendments made by this section [amending this section and section 2401 of this title] shall take effect on January 1, 1989, or on the effective date of the next general change in rates and fees under sections 3622 and 3625 of title 39, United States Code [Apr. 3, 1988, see 53 F.R. 10014], whichever is sooner."

Pub. L. 99-272, title XV, §15102(b)(2), Apr. 7, 1986, 100 Stat. 330, provided that: "The amendment made by this subsection [amending this section] shall apply with respect to rates of postage taking effect after December 31, 1985."

RELIEF OF CERTAIN PERIODICAL PUBLICATIONS

Pub. L. 104-52, title V, §527, Nov. 19, 1995, 109 Stat. 496, provided that: "For mail classification purposes under section 3626 of title 39, United States Code, and any regulations of the United States Postal Service for the administration of that section, a weekly second-class periodical publication which—

"(i) is eligible to publish legal notices under any applicable laws of the State where it is published;

"(ii) is eligible to be mailed at the rates for mail under former subsection 4358(a), (b), and (c) of title 39, United States Code, as limited by current subsection 3626(g) of that title; and

"(iii) the pages of which were customarily secured by 2 staples before March 19, 1989;

shall not be considered to be a bound publication solely because its pages continue to be secured by 2 staples after that date."

FORBEARANCE REGARDING CERTAIN POSTAGE DEFICIENCIES

Pub. L. 101-509, title II, §2, Nov. 5, 1990, 104 Stat. 1398, provided that:

"(a) IN GENERAL.—The United States Postal Service may forbear from the collection of any postage deficiency assessed against an organization authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of title 39, United States Code, if the assessment of that deficiency arises from a violation of the cooperative mailing regulations of the Postal Service set forth at section 625.5 of the Domestic Mail Manual, and the Postal Service has made no determination that the organization knowingly or willfully violated such regulations. If any organizations authorized to mail at the rates for mail under former section 4452(b) or 4452(c) of title 39, United States Code, has paid on its own behalf all or part of a postage deficiency which the Postal Service would forbear from collecting under this section, the Postal Service may refund to that organization the amount which it has paid.

"(b) EFFECTIVE DATE AND APPLICABILITY.—The provisions of this section shall become effective on the date of enactment of this Act [Nov. 5, 1990], and shall apply to mailings which were sent on or between July 1, 1986, and the effective date of this section."

CONSTRUCTION RESPECTING POSTAGE RATES REDUCTION UNAUTHORIZED

Pub. L. 93-328, §2, June 30, 1974, 88 Stat. 288, provided that: "Nothing in section 1 of this Act [amending this section] shall be construed to authorize a reduction in any rate of postage in effect and being paid on the date of enactment of this Act [June 30, 1974]."

§ 3627. Adjusting free rates

If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent free of postage under section 3217 or 3403-3406¹ the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 763; Pub. L. 95-593, §11(b), Nov. 4, 1978, 92 Stat. 2538; Pub. L. 99-410, title II, §201(b)(3), Aug. 28, 1986, 100 Stat. 928; Pub. L. 103-31, §8(h)(3), May 20, 1993, 107 Stat. 86; Pub. L. 103-123, title VII, §704(a)(3)(B)(i), Oct. 28, 1993, 107 Stat. 1269; Pub. L. 109-435, title X, §1010(g)(5), Dec. 20, 2006, 120 Stat. 3263.)

AMENDMENTS

2006—Pub. L. 109-435 inserted section catchline and struck out former catchline which read the same.

1993—Pub. L. 103-123 substituted "free rates" for "free and reduced rates" in section catchline and "sent free of postage under section 3217 or 3403-3406" for "sent at a free or reduced rate under section 3217, 3403-3406, 3626, or 3629 of this title," in text.

Pub. L. 103-31 substituted "3626, or 3629 of this title" for "or 3626 of this title,".

1986—Pub. L. 99-410 substituted "3406" for "3405" and struck out "under the Federal Voting Assistance Act of 1955, or under the Overseas Citizens Voting Rights Act of 1975" after "3626 of this title,".

1978—Pub. L. 95-593 inserted provisions relating to applicability of Overseas Citizens Voting Rights Act of 1975.

EFFECTIVE DATE OF 1993 AMENDMENTS

Amendment by Pub. L. 103-123 applicable with respect to rates for mail sent after Sept. 30, 1993, see section 704(c)(1) of Pub. L. 103-123, set out as a note under section 3626 of this title.

Amendment by Pub. L. 103-31 effective (1) with respect to a State that, on May 20, 1993, has a provision in the constitution of the State that would preclude compliance with section 20501 et seq. of Title 52, Voting and Elections, unless the State maintained separate Federal and State official lists of eligible voters, on the later of Jan. 1, 1996, or the date that is 120 days after the date by which, under the constitution of the State as in effect on May 20, 1993, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit compliance with section 20501 et seq. of Title 52 without requiring a special election, and (2) with respect to a State not described above, on Jan. 1, 1995, see section 13 of Pub. L. 103-31, set out as an Effective Date note under section 20501 of Title 52.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-410 applicable with respect to elections taking place after Dec. 31, 1987, see section 204 of Pub. L. 99-410, set out as an Effective Date note under section 20301 of Title 52, Voting and Elections.

¹ So in original. Probably should be followed by "of this title,".

[§ 3628. Repealed. Pub. L. 109-435, title II, § 201(b), Dec. 20, 2006, 120 Stat. 3205]

Section, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 763; Pub. L. 98-620, title IV, § 402(37), Nov. 8, 1984, 98 Stat. 3360, related to appellate review of a decision of the Board of Governors to approve, allow under protest, reject, or modify a recommended decision of the Postal Rate Commission.

§ 3629. Reduced rates for voter registration purposes

The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.

(Added Pub. L. 103-31, § 8(h)(1), May 20, 1993, 107 Stat. 86.)

REFERENCES IN TEXT

The National Voter Registration Act of 1993, referred to in text, is Pub. L. 103-31, May 20, 1993, 107 Stat. 77, which was formerly classified principally to subchapter I-H (§1973gg et seq.) of chapter 20 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering in Title 52, Voting and Elections, and is now classified principally to chapter 205 (§20501 et seq.) of Title 52. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section effective (1) with respect to a State that, on May 20, 1993, has a provision in the constitution of the State that would preclude compliance with section 20501 et seq. of Title 52, Voting and Elections, unless the State maintained separate Federal and State official lists of eligible voters, on the later of Jan. 1, 1996, or the date that is 120 days after the date by which, under the constitution of the State as in effect on May 20, 1993, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit compliance with section 20501 et seq. of Title 52 without requiring a special election, and (2) with respect to a State not described above, on Jan. 1, 1995, see section 13 of Pub. L. 103-31, set out as a note under section 20501 of Title 52.

SUBCHAPTER II—PROVISIONS RELATING TO COMPETITIVE PRODUCTS

PRIOR PROVISIONS

A prior subchapter II was redesignated subchapter I of this chapter.

§ 3631. Applicability; definitions and updates

(a) **APPLICABILITY.**—This subchapter shall apply with respect to—

- (1) priority mail;
- (2) expedited mail;
- (3) bulk parcel post;
- (4) bulk international mail; and
- (5) mailgrams;

subject to subsection (d) and any changes the Postal Regulatory Commission may make under section 3642.

(b) **DEFINITION.**—For purposes of this subchapter, the term “costs attributable”, as used with respect to a product, means the direct and indirect postal costs attributable to such product through reliably identified causal relationships.

(c) **RULE OF CONSTRUCTION.**—Mail matter referred to in subsection (a) shall, for purposes of this subchapter, be considered to have the meaning given to such mail matter under the mail classification schedule.

(Added Pub. L. 109-435, title II, §202, Dec. 20, 2006, 120 Stat. 3205.)

§ 3632. Action of the Governors

(a) **AUTHORITY TO ESTABLISH RATES AND CLASSES.**—The Governors, with the concurrence of a majority of all of the Governors then holding office, shall establish rates and classes for products in the competitive category of mail in accordance with the requirements of this subchapter and regulations promulgated under section 3633.

(b) **PROCEDURES.**—

(1) **IN GENERAL.**—Rates and classes shall be established in writing, complete with a statement of explanation and justification, and the date as of which each such rate or class takes effect.

(2) **RATES OR CLASSES OF GENERAL APPLICABILITY.**—In the case of rates or classes of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the Governors’ proceedings in connection with such decision to be published in the Federal Register at least 30 days before the effective date of any new rates or classes.

(3) **RATES OR CLASSES NOT OF GENERAL APPLICABILITY.**—In the case of rates or classes not of general applicability in the Nation as a whole or in any substantial region of the Nation, the Governors shall cause each rate and class decision under this section and the record of the proceedings in connection with such decision to be filed with the Postal Regulatory Commission by such date before the effective date of any new rates or classes as the Governors consider appropriate, but in no case less than 15 days.

(4) **CRITERIA.**—As part of the regulations required under section 3633, the Postal Regulatory Commission shall establish criteria for determining when a rate or class established under this subchapter is or is not of general applicability in the Nation as a whole or in any substantial region of the Nation.

(c) **TRANSITION RULE.**—Until regulations under section 3633 first take effect, rates and classes for competitive products shall remain subject to modification in accordance with the provisions of this chapter and section 407, as such provisions were as last in effect before the date of enactment of this section.

(Added Pub. L. 109-435, title II, §202, Dec. 20, 2006, 120 Stat. 3206.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 109-435, which was approved Dec. 20, 2006.

§ 3633. Provisions applicable to rates for competitive products

(a) **IN GENERAL.**—The Postal Regulatory Commission shall, within 18 months after the date of