

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.”

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 services 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.”

§ 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.)

#### 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.

#### EFFECTIVE DATE

Section not to affect the appointment or tenure of any person serving as a Commissioner on the Postal Regulatory Commission under an appointment made before Dec. 20, 2006, or any nomination made before that date, but when any such office becomes vacant, the appointment to fill that office to be made in accordance with this section, see section 601(b) of Pub. L. 109-435, set out as an Effective Date of 2006 Amendment note under section 501 of this title.

### § 503. Rules; regulations; procedures

The Postal Regulatory Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this title. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759, §3603; renumbered §503 and amended Pub. L. 109-435, title VI, §§601(a)(3), 604(a), title X, 1010(c)(1), Dec. 20, 2006, 120 Stat. 3239, 3241, 3261.)

#### AMENDMENTS

2006—Pub. L. 109-435, §1010(c)(1), substituted “this title” for “this chapter”.

Pub. L. 109-435, §604(a), substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

Pub. L. 109-435, §601(a)(3), renumbered section 3603 of this title as this section.

### § 504. Administration

(a) The Chairman of the Postal Regulatory Commission shall be the principal executive officer of the Commission. The Chairman shall exercise or direct the exercise of all the executive and administrative functions of the Commission, including functions of the Commission with respect to (1) the appointment of personnel employed under the Commission, except that the appointment of heads of major administrative units under the Commission shall require

the approval of a majority of the members of the Commission, (2) the supervision of the personnel employed under the Commission and the distribution of business among them and among the Commissioners, and (3) the use and expenditure of funds.

(b) In carrying out any of his functions under this section, the Chairman shall be governed by the general policies of the Commission.

(c) The Chairman may obtain such facilities and supplies as may be necessary to permit the Commission to carry out its functions. Any officer or employee appointed under this section shall be paid at rates of compensation and shall be entitled to programs offering employee benefits established under chapter 10 or chapter 12 of this title, as appropriate.

(d) There are authorized to be appropriated, out of the Postal Service Fund, such sums as may be necessary for the Postal Regulatory Commission. In requesting an appropriation under this subsection for a fiscal year, the Commission shall prepare and submit to the Congress under section 2009 a budget of the Commission’s expenses, including expenses for facilities, supplies, compensation, and employee benefits.

(e) The provisions of section 410 and chapter 10 of this title shall apply to the Commission, as appropriate.

(f)(1) Any Commissioner of the Postal Regulatory Commission, any administrative law judge appointed by the Commission under section 3105 of title 5, and any employee of the Commission designated by the Commission may administer oaths, examine witnesses, take depositions, and receive evidence.

(2) The Chairman of the Commission, any Commissioner designated by the Chairman, and any administrative law judge appointed by the Commission under section 3105 of title 5 may, with respect to any proceeding conducted by the Commission under this title or to obtain information to be used to prepare a report under this title—

(A) issue subpoenas requiring the attendance and presentation of testimony by, or the production of documentary or other evidence in the possession of, any covered person; and

(B) order the taking of depositions and responses to written interrogatories by a covered person.

The written concurrence of a majority of the Commissioners then holding office shall, with respect to each subpoena under subparagraph (A), be required in advance of its issuance.

(3) In the case of contumacy or failure to obey a subpoena issued under this subsection, upon application by the Commission, the district court of the United States for the district in which the person to whom the subpoena is addressed resides or is served may issue an order requiring such person to appear at any designated place to testify or produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt thereof.

(4) For purposes of this subsection, the term “covered person” means an officer, employee, agent, or contractor of the Postal Service.

(g)(1) If the Postal Service determines that any document or other matter it provides to the