

117TH CONGRESS
2^D SESSION

H. R. 3076

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 3), 2022

Received; read the first time

FEBRUARY 9, 2022

Read the second time and placed on the calendar

FEBRUARY 14, 2022

Previous actions vitiated and ordered returned to the House

AN ACT

To provide stability to and enhance the services of the United States Postal Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Postal Service Reform Act of 2022”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—POSTAL SERVICE FINANCIAL REFORMS

Sec. 101. Postal Service Health Benefits Program.

Sec. 102. USPS Fairness Act.
 Sec. 103. Nonpostal services.

TITLE II—POSTAL SERVICE OPERATIONAL REFORMS

Sec. 201. Performance targets and transparency.
 Sec. 202. Integrated delivery network.
 Sec. 203. Review of Postal Service cost attribution guidelines.
 Sec. 204. Rural newspaper sustainability.
 Sec. 205. Funding of Postal Regulatory Commission.
 Sec. 206. Flats operations study and reform.
 Sec. 207. Reporting requirements.
 Sec. 208. Postal Service transportation selection policy revisions.
 Sec. 209. USPS Inspector General oversight of Postal Regulatory Commission.

TITLE III—SEVERABILITY

Sec. 301. Severability.

1 **SEC. 2. DEFINITIONS.**

2 (a) COMMISSION.—In this Act, the term “Commis-
 3 sion” means the Postal Regulatory Commission.

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

9 **TITLE I—POSTAL SERVICE** 10 **FINANCIAL REFORMS**

11 **SEC. 101. POSTAL SERVICE HEALTH BENEFITS PROGRAM.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Chapter 89 of title 5, United
 14 States Code, is amended by inserting after section
 15 8903b the following:

16 **“§ 8903c. Postal Service Health Benefits Program**

17 “(a) DEFINITIONS.—In this section—

1 “(1) the term ‘covered Medicare individual’
2 means an individual who is entitled to benefits under
3 Medicare part A, but excluding an individual who is
4 eligible to enroll under such part under section 1818
5 or 1818A of the Social Security Act (42 U.S.C.
6 1395i–2, 1395i–2a);

7 “(2) the term ‘initial contract year’ means the
8 contract year beginning in January of 2025;

9 “(3) the term ‘initial participating carrier’
10 means a carrier that enters into a contract with the
11 Office to participate in the Program during the ini-
12 tial contract year;

13 “(4) the term ‘Medicare part A’ means part A
14 of title XVIII of the Social Security Act (42 U.S.C.
15 1395c et seq.);

16 “(5) the term ‘Medicare part B’ means part B
17 of title XVIII of the Social Security Act (42 U.S.C.
18 1395j et seq.);

19 “(6) the term ‘Office’ means the Office of Per-
20 sonnel Management;

21 “(7) the term ‘Postal Service’ means the United
22 States Postal Service;

23 “(8) the term ‘Postal Service annuitant’ means
24 an annuitant enrolled in a health benefits plan under

1 this chapter whose Government contribution is re-
2 quired to be paid under section 8906(g)(2);

3 “(9) the term ‘Postal Service employee’ means
4 an employee of the Postal Service enrolled in a
5 health benefits plan under this chapter whose Gov-
6 ernment contribution is paid by the Postal Service;

7 “(10) the term ‘Postal Service Medicare covered
8 annuitant’ means an individual who—

9 “(A) is a Postal Service annuitant; and

10 “(B) is a covered Medicare individual;

11 “(11) the term ‘Program’ means the Postal
12 Service Health Benefits Program established under
13 subsection (c) within the Federal Employees Health
14 Benefits Program;

15 “(12) the term ‘Program plan’ means a health
16 benefits plan offered under the Program; and

17 “(13) the definitions set forth in section 8901
18 shall apply, and for the purposes of applying such
19 definitions in carrying out this section, a Postal
20 Service employee and Postal Service annuitant shall
21 be treated in the same manner as an employee and
22 an annuitant (as those terms are defined in para-
23 graphs (1) and (3), respectively, of section 8901),
24 consistent with the requirements of this section.

1 “(b) APPLICATION.—The requirements under this
2 section shall—

3 “(1) apply to the initial contract year and each
4 contract year thereafter; and

5 “(2) supersede any other provision of this chap-
6 ter inconsistent with such requirements, as deter-
7 mined by the Office.

8 “(c) ESTABLISHMENT OF THE POSTAL SERVICE
9 HEALTH BENEFITS PROGRAM.—

10 “(1) IN GENERAL.—

11 “(A) ESTABLISHMENT.—The Office shall
12 establish the Postal Service Health Benefits
13 Program within the Federal Employees Health
14 Benefits Program under this chapter, under
15 which the Office may contract with carriers to
16 offer health benefits plans as described under
17 this section.

18 “(B) APPLICABILITY OF CHAPTER RE-
19 QUIREMENTS TO CONTRACTS.—Except as other-
20 wise provided in this section, any contract de-
21 scribed in subparagraph (A) shall be consistent
22 with the requirements of this chapter for con-
23 tracts under section 8902 with carriers to offer
24 health benefits plans other than under this sec-
25 tion.

1 “(C) PROGRAM PLANS AND PARTICIPA-
2 TION.—The Program shall—

3 “(i) to the greatest extent prac-
4 ticable—

5 “(I) with respect to each plan
6 provided by a carrier under this sub-
7 chapter in which the total enrollment
8 includes, in the contract year begin-
9 ning in January 2023, 1,500 or more
10 enrollees who are Postal Service em-
11 ployees or Postal Service annuitants,
12 include a plan offered by that carrier
13 with equivalent benefits and cost-shar-
14 ing requirements as provided under
15 paragraph (2), except that the Direc-
16 tor of the Office may exempt any
17 comprehensive medical plan from this
18 requirement; and

19 “(II) include plans offered by any
20 other carrier determined appropriate
21 by the Office;

22 “(ii) provide for enrollment in Pro-
23 gram plans of Postal Service employees
24 and Postal Service annuitants, in accord-
25 ance with subsection (d);

1 “(iii) provide for enrollment in a Pro-
2 gram plan as an individual, for self plus
3 one, or for self and family; and

4 “(iv) not provide for enrollment in a
5 Program plan of an individual who is not
6 a Postal Service employee or Postal Service
7 annuitant (except as a member of family of
8 such an employee or annuitant or as pro-
9 vided under paragraph (4)).

10 “(2) COVERAGE WITH EQUIVALENT BENEFITS
11 AND COST-SHARING.—In the initial contract year,
12 the Office shall ensure that each carrier partici-
13 pating in the Program provides under the Program
14 plans offered by the carrier benefits and cost-sharing
15 requirements that are equivalent to the benefits and
16 cost-sharing requirements under the health benefits
17 plans offered by the carrier under this chapter that
18 are not Program plans, except that prescription drug
19 benefits and cost-sharing requirements may differ
20 between the Program plans and other health benefits
21 plans offered by the carrier under this chapter to the
22 extent needed to integrate the Medicare part D pre-
23 scription drug benefits coverage required under sub-
24 section (h)(2).

1 “(3) APPLICABILITY OF FEDERAL EMPLOYEES
2 HEALTH BENEFITS PROGRAM REQUIREMENTS.—Ex-
3 cept as otherwise set forth in this section, the provi-
4 sions of this chapter applicable to health benefits
5 plans offered by carriers under section 8903 or
6 8903a shall apply to plans offered under the Pro-
7 gram.

8 “(4) APPLICATION OF CONTINUATION COV-
9 ERAGE.—In accordance with rules established by the
10 Office, section 8905a shall apply to health benefits
11 plans offered under this section in the same manner
12 as such section applies to other health benefits plans
13 offered under this chapter.

14 “(d) ELECTION OF COVERAGE.—Each Postal Service
15 employee and Postal Service annuitant who elects to re-
16 ceive health benefits coverage under this chapter—

17 “(1) shall be subject to the requirements of this
18 section; and

19 “(2) may not enroll in any other health benefits
20 plan offered under any other section of this chapter.

21 “(e) REQUIREMENT OF MEDICARE ENROLLMENT
22 FOR CERTAIN ANNUITANTS AND THEIR FAMILY MEM-
23 BERS.—

24 “(1) MEDICARE COVERED ANNUITANTS.—Ex-
25 cept as provided under paragraph (3), a Postal Serv-

1 ice Medicare covered annuitant may not enroll in a
2 Program plan unless the annuitant is entitled to
3 benefits under Medicare part A and enrolled in
4 Medicare part B.

5 “(2) MEDICARE COVERED FAMILY MEMBERS.—
6 Except as provided under paragraph (3), in the case
7 of a Postal Service annuitant who is entitled to ben-
8 efits under Medicare part A and required under this
9 subsection to enroll in Medicare part B to enroll
10 under the Program, if a member of family of such
11 Postal Service annuitant is a covered Medicare indi-
12 vidual, that member of family may not enroll under
13 the Program as a member of family of the Postal
14 Service annuitant unless that member of family is
15 entitled to benefits under Medicare part A and en-
16 rolled in Medicare part B.

17 “(3) EXCEPTIONS.—

18 “(A) IN GENERAL.—The requirements
19 under paragraphs (1) and (2), as applicable,
20 shall not apply with respect to an individual in
21 the following cases:

22 “(i) CURRENT POSTAL SERVICE AN-
23 NUITANTS.—The individual, as of January
24 1, 2025, is a Postal Service annuitant who
25 is not both entitled to benefits under Medi-

1 care part A and enrolled in Medicare part
2 B.

3 “(ii) CURRENT EMPLOYEES AGED 64
4 AND OVER.—The individual, as of January
5 1, 2025, is a Postal Service employee and
6 is at least 64 years of age.

7 “(iii) POSTAL SERVICE MEDICARE
8 COVERED ANNUITANTS AND FAMILY MEM-
9 BERS RESIDING ABROAD.—For any con-
10 tract year with respect to which the indi-
11 vidual is a Postal Service Medicare covered
12 annuitant or a member of family of a Post-
13 al Service Medicare covered annuitant and
14 resides outside the United States (which
15 includes the States, the District of Colum-
16 bia, the Commonwealth of Puerto Rico, the
17 Virgin Islands, Guam, American Samoa,
18 and the Northern Mariana Islands), pro-
19 vided that the individual demonstrates
20 such residency to the Postal Service in ac-
21 cordance with regulations issued by the
22 Postal Service.

23 “(iv) POSTAL SERVICE MEDICARE
24 COVERED ANNUITANTS AND FAMILY MEM-

1 BERS ENROLLED UNDER VA COVERAGE.—

2 The individual—

3 “(I) is a Postal Service Medicare
4 covered annuitant or a member of
5 family of a Postal Service Medicare
6 covered annuitant; and

7 “(II) is enrolled in health care
8 benefits provided by the Department
9 of Veterans Affairs under subchapter
10 II of chapter 17 of title 38, United
11 States Code.

12 “(v) POSTAL SERVICE MEDICARE COV-
13 ERED ANNUITANTS AND FAMILY MEMBERS
14 ELIGIBLE FOR IHS HEALTH SERVICES.—

15 The individual—

16 “(I) is a Postal Service Medicare
17 covered annuitant or a member of
18 family of a Postal Service Medicare
19 covered annuitant; and

20 “(II) is eligible for health services
21 from the Indian Health Service.

22 “(B) REGULATIONS FOR VA AND IHS EX-
23 CEPTIONS.—Not later than 1 year after the
24 date of enactment of this section, the Office
25 shall, in consultation with the Secretary of Vet-

1 erans Affairs, the Secretary of Health and
2 Human Services, and the Postmaster General,
3 promulgate any regulations necessary to imple-
4 ment clauses (iv) and (v) of subparagraph (A).

5 “(C) LIST OF INDIVIDUALS RESIDING
6 ABROAD.—The Postal Service shall provide a
7 list of individuals who satisfy the exception
8 under subparagraph (A)(iii) to the Office.

9 “(4) PROCESS FOR INFORMATION COLLECTION
10 AND DISSEMINATION.—The Postal Service and the
11 Office, in consultation with the Social Security Ad-
12 ministration and the Centers for Medicare & Med-
13 icaid Services, shall establish a process that will en-
14 able the Postal Service to timely inform Postal Serv-
15 ice employees, Postal Service annuitants, and mem-
16 bers of family of such employees and annuitants of
17 the requirements described in paragraphs (1) and
18 (2) in order to be eligible to enroll in Program plans
19 under this section.

20 “(f) TRANSITIONAL OPEN SEASON.—

21 “(1) DEFINITIONS.—In this subsection—

22 “(A) the term ‘current option’, with re-
23 spect to an individual, means the option under
24 a plan under this chapter in which the indi-

1 individual is enrolled during the contract year pre-
2 ceding the initial contract year; and

3 “(B) the term ‘current plan’, with respect
4 to an individual, means the plan under this
5 chapter in which the individual is enrolled dur-
6 ing the contract year preceding the initial con-
7 tract year.

8 “(2) AUTOMATIC ENROLLMENT.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graphs (B) and (C), in the case of an individual
11 who is a Postal Service employee or Postal
12 Service annuitant eligible to enroll in a Pro-
13 gram plan under subsection (d), who is enrolled
14 in a current plan, and who does not enroll in
15 a Program plan during the open season that
16 immediately precedes the initial contract year,
17 the Office shall automatically enroll the indi-
18 vidual, as of the start of the initial contract
19 year, in a Program plan offered by the carrier
20 of the individual’s current plan.

21 “(B) CARRIERS OFFERING MULTIPLE PRO-
22 GRAM PLANS OR OPTIONS.—If the carrier of the
23 current plan of an individual described in sub-
24 paragraph (A) offers more than 1 Program
25 plan or option, the Office, in carrying out sub-

1 paragraph (A), shall automatically enroll the in-
2 dividual in the plan and option that provide
3 coverage with equivalent benefits and cost shar-
4 ing, as described in subsection (c)(2), to the in-
5 dividual's current plan and current option.

6 “(C) CARRIERS NOT OFFERING PROGRAM
7 PLANS.—If the carrier of the current plan of an
8 individual described in subparagraph (A) does
9 not offer a Program plan, the Office, in car-
10 rying out subparagraph (A), shall automatically
11 enroll the individual in the lowest-cost nation-
12 wide plan option within the Program that is not
13 a high deductible health plan and does not
14 charge an association or membership fee.

15 “(g) OPM REGULATIONS.—

16 “(1) IN GENERAL.—Not later than 1 year after
17 the date of enactment of this section, the Director
18 of the Office shall issue regulations to carry out this
19 section.

20 “(2) CONSULTATION.—In issuing regulations
21 under paragraph (1), the Director of the Office shall
22 consult, as necessary, with the Secretary of Health
23 and Human Services, the Secretary of Veterans Af-
24 fairs, the Commissioner of Social Security, and the
25 Postmaster General.

1 “(3) CONTENTS.—The regulations issued under
2 paragraph (1) shall include—

3 “(A) any provisions necessary to imple-
4 ment this section;

5 “(B) a process under which Postal Service
6 annuitants and affected family members are
7 timely informed of the enrollment requirements
8 and may request, in writing, any additional en-
9 rollment information;

10 “(C) provisions under which a Postal Serv-
11 ice employee or Postal Service annuitant en-
12 rolled under the Program may request a belated
13 change of plan and may be prospectively en-
14 rolled in the plan of the employee’s or annu-
15 itant’s choice; and

16 “(D) provisions for individuals to cancel
17 coverage under the Program in writing to the
18 Postal Service because the individuals choose
19 not to enroll in, or to disenroll from, Medicare
20 part B.

21 “(h) MEDICARE COORDINATION.—

22 “(1) IN GENERAL.—The Office shall require
23 each Program plan to provide benefits for covered
24 Medicare individuals pursuant to a coordination of
25 benefits method approved by the Office.

1 “(2) MEDICARE PART D PRESCRIPTION DRUG
2 BENEFITS.—The Office shall require each Program
3 plan to provide prescription drug benefits to any
4 Postal Service annuitant and member of family of
5 such annuitant who is a part D eligible individual
6 (as defined in section 1860D–1(a)(3)(A) of the So-
7 cial Security Act) through employment-based retiree
8 health coverage (as defined in section 1860D–
9 22(c)(1) of such Act) through—

10 “(A) a prescription drug plan (as defined
11 in section 1860D–41(a)(14) of such Act); or

12 “(B) contracts between such a Program
13 plan and PDP sponsor, as defined in section
14 1860D–41(a)(13) of such Act, of such a pre-
15 scription drug plan.

16 “(i) POSTAL SERVICE CONTRIBUTION.—

17 “(1) IN GENERAL.—Subject to subsection (k),
18 for purposes of applying section 8906(b) to the
19 Postal Service, the weighted average shall be cal-
20 culated in accordance with paragraphs (2) and (3).

21 “(2) WEIGHTED AVERAGE CALCULATION.—Not
22 later than October 1 of each year (beginning with
23 2024), the Office shall determine the weighted aver-
24 age of the rates established pursuant to subsection

1 (c)(2) for Program plans that will be in effect dur-
2 ing the following contract year with respect to—

3 “(A) enrollments for self only;

4 “(B) enrollments for self plus one; and

5 “(C) enrollments for self and family.

6 “(3) WEIGHTING IN COMPUTING RATES FOR
7 INITIAL CONTRACT YEAR.—In determining such
8 weighted average of the rates for the initial contract
9 year, the Office shall take into account (for purposes
10 of section 8906(a)(2)) the enrollment of Postal Serv-
11 ice employees and annuitants in the health benefits
12 plans offered by the initial participating carriers as
13 of March 31, 2023.

14 “(4) PAYMENT OF LATE ENROLLMENT PEN-
15 ALTIES.—The Postal Service may direct the Office
16 to pay the amounts required by an agreement be-
17 tween the United States Postal Service and the Sec-
18 retary of the Department of Health and Human
19 Services under section 1839(e)(1) of the Social Se-
20 curity Act (42 U.S.C. 1395r(e)(1)) from the Postal
21 Service Retiree Health Benefits Fund established
22 under section 8909a until depleted and thereafter
23 shall pay such amounts from the Postal Service
24 Fund established under section 2003 of title 39.

25 “(j) RESERVES.—

1 “(1) SEPARATE RESERVES.—

2 “(A) IN GENERAL.—The Office shall en-
3 sure that each Program plan maintains sepa-
4 rate reserves (including a separate contingency
5 reserve) with respect to the enrollees in the
6 Program plan in accordance with section 8909.

7 “(B) APPLICABILITY OF SECTION 8909 TO
8 CONTINGENCY RESERVES.—All provisions of
9 section 8909 relating to contingency reserves
10 shall apply to contingency reserves of Program
11 plans in the same manner as to the contingency
12 reserves of other plans under this chapter, ex-
13 cept to the extent that such provisions are in-
14 consistent with the requirements of this sub-
15 section.

16 “(C) REFERENCES.—For purposes of the
17 Program, each reference to ‘the Government’ in
18 section 8909 shall be deemed to be a reference
19 to the Postal Service.

20 “(D) AMOUNTS TO BE CREDITED.—The
21 reserves (including the separate contingency re-
22 serve) maintained by each Program plan shall
23 be credited with a proportionate amount of the
24 funds in the reserves for health benefits plans
25 offered by the carrier.

1 “(2) DISCONTINUATION OF PROGRAM PLAN.—

2 In applying section 8909(e) relating to a Program
3 plan that is discontinued, the Office shall credit the
4 separate Postal Service contingency reserve main-
5 tained under paragraph (1) for that plan only to the
6 separate Postal Service contingency reserves of the
7 Program plans continuing under this chapter.

8 “(k) NO EFFECT ON EXISTING LAW.—Nothing in
9 this section shall be construed as affecting section 1005(f)
10 of title 39 regarding variations, additions, or substitutions
11 to the provisions of this chapter.

12 “(l) HEALTH BENEFITS EDUCATION PROGRAM.—

13 “(1) DEFINITION.—In this subsection, the term
14 ‘navigator’ means an employee of the Postal Service
15 or of a contractor of the Postal Service who is des-
16 ignated by the Postal Service or contractor to carry
17 out activities under paragraph (5).

18 “(2) ESTABLISHMENT.—Not later than 18
19 months after the date of enactment of this section,
20 the Postal Service shall establish a Health Benefits
21 Education Program.

22 “(3) REQUIREMENTS.—In carrying out the
23 Health Benefits Education Program established
24 under paragraph (2), the Postal Service shall—

1 “(A) notify Postal Service annuitants and
2 Postal Service employees about the Postal Serv-
3 ice Health Benefits Program established under
4 subsection (c)(1);

5 “(B) provide information regarding the
6 Postal Service Health Benefits Program and
7 the requirements of this section to Postal Serv-
8 ice annuitants and Postal Service employees, in-
9 cluding—

10 “(i) a description of the health care
11 options available under such Program;

12 “(ii) the enrollment provisions of sub-
13 section (d); and

14 “(iii) the requirement that Postal
15 Service annuitants and their family mem-
16 bers be enrolled in Medicare under sub-
17 section (e);

18 “(C) respond and provide answers to any
19 inquiry from such employees and annuitants
20 about the Postal Service Health Benefits Pro-
21 gram, in consultation with the Office as nec-
22 essary;

23 “(D) in consultation with the Centers for
24 Medicare & Medicaid Services and the Social
25 Security Administration, provide information to

1 individuals about enrollment under the Medi-
2 care program under title XVIII of the Social
3 Security Act, and refer individuals to the Cen-
4 ters for Medicare & Medicaid Services and the
5 Social Security Administration as necessary for
6 additional enrollment information; and

7 “(E) carry out, or provide for through con-
8 tract or other arrangement, the activities de-
9 scribed in paragraph (5).

10 “(4) INFORMATION.—

11 “(A) INFORMATION FROM OPM.—The Of-
12 fice shall timely provide the Postal Service with
13 such information as necessary to conduct the
14 Health Benefits Education Program.

15 “(B) COORDINATION WITH OPM.—The
16 Postal Service shall coordinate with the Office,
17 in consultation with the Centers for Medicare &
18 Medicaid Services and the Social Security Ad-
19 ministration, to obtain and confirm the accu-
20 racy of information as the Postal Service deter-
21 mines to be necessary to conduct the Health
22 Benefits Education Program.

23 “(5) NAVIGATOR ACTIVITIES.—

24 “(A) ACTIVITIES.—The activities described
25 in this paragraph, with respect to Program

1 plans and the health care options available
2 under the Program, are the following:

3 “(i) Educational activities for annu-
4 itants and employees of the Postal Service
5 to raise awareness of the availability of
6 Program plans and requirements for en-
7 rolling in such plans, including require-
8 ments to be entitled to Medicare part A
9 and enroll in Medicare part B.

10 “(ii) Distribution of fair and impartial
11 information concerning enrollment in such
12 plans.

13 “(iii) Facilitation of enrollment in
14 such plans.

15 “(iv) Provision of information in a
16 manner that is culturally and linguistically
17 appropriate to the needs of the population
18 being served by the Program plans.

19 “(B) STANDARDS.—

20 “(i) IN GENERAL.—The Postal Serv-
21 ice shall establish standards for navigators
22 carrying out the activities under this para-
23 graph to—

1 “(I) engage in the navigator ac-
2 tivities described in subparagraph (A);
3 and

4 “(II) avoid conflicts of interest.

5 “(ii) CONTENTS.—The standards es-
6 tablished under clause (i) shall provide
7 that a navigator may not—

8 “(I) be a health insurance car-
9 rier; or

10 “(II) receive any consideration
11 directly or indirectly from any health
12 insurance carrier in connection with
13 the enrollment of any individual in a
14 Program plan.

15 “(C) FAIR AND IMPARTIAL INFORMATION
16 AND SERVICES.—The Postal Service, in con-
17 sultation as necessary with the Office and the
18 Centers for Medicare & Medicaid Services, shall
19 develop standards to ensure that information
20 made available by navigators under this para-
21 graph is fair, accurate, and impartial.

22 “(6) REGULATIONS.—

23 “(A) IN GENERAL.—Not later than 18
24 months after the date of enactment of this sec-
25 tion, the Postmaster General shall issue regula-

1 tions to establish the Health Benefits Edu-
2 cation Program required under this subsection.

3 “(B) CONTENTS.—The regulations issued
4 under subparagraph (A) shall include—

5 “(i) provisions for the notification of
6 Postal Service annuitants and Postal Serv-
7 ice employees about the Program, includ-
8 ing a description of the available health
9 benefits options, including a process for
10 notifying Postal Service employees who be-
11 come eligible for Medicare part B and
12 Postal Service Medicare covered annuitants
13 about their choices;

14 “(ii) provisions for notifying Postal
15 Service annuitants, Postal Service employ-
16 ees, and their family members of the re-
17 quirements under subsection (e) to enroll
18 in Medicare as a condition of eligibility to
19 enroll in the Program; and

20 “(iii) a process, developed in consulta-
21 tion with the Social Security Administra-
22 tion, the Centers for Medicare & Medicaid
23 Services, and the Office, for addressing
24 any inquiry from Postal Service annuitants

1 and Postal Service employees about the
2 Program or Medicare enrollment.”.

3 (2) TECHNICAL AND CONFORMING AMEND-
4 MENTS.—

5 (A) SERVICE BENEFIT PLANS.—Section
6 8903(1) of title 5, United States Code, is
7 amended by striking “two levels of benefits”
8 and inserting “at least 2 levels of benefits for
9 enrollees under this chapter generally and at
10 least 2 levels of benefits for enrollees under the
11 Postal Service Health Benefits Program estab-
12 lished under section 8903c”.

13 (B) TABLE OF SECTIONS.—The table of
14 sections for chapter 89 of title 5, United States
15 Code, is amended by inserting after the item re-
16 lating to section 8903b the following:

“8903c. Postal Service Health Benefits Program.”.

17 (C) APPLICATION TO CERTAIN POSTAL
18 SERVICE ANNUITANTS OR FAMILY MEMBERS.—
19 Section 1862(b)(1)(E) of the Social Security
20 Act (42 U.S.C. 1395y(b)(1)(E)) is amended by
21 adding at the end the following:

22 “(iv) APPLICATION TO CERTAIN POST-
23 AL SERVICE ANNUITANTS OR FAMILY MEM-
24 BERS.—Nothing in this paragraph shall
25 prohibit a group health plan from deter-

1 mining an individual’s eligibility to enroll
2 in a health benefits plan offered under the
3 Postal Service Health Benefits Program
4 under section 8903e of title 5, United
5 States Code, in accordance with subsection
6 (e) of such section.”.

7 (b) COORDINATION WITH MEDICARE.—

8 (1) PART B SPECIAL ENROLLMENT PERIOD.—
9 Section 1837 of the Social Security Act (42 U.S.C.
10 1395p) is amended by adding at the end the fol-
11 lowing new subsection:

12 “(o)(1) In the case of an individual who—

13 “(A) as of January 1, 2024, is—

14 “(i) a Postal Service annuitant who is enti-
15 tled to benefits under part A of title XVIII of
16 the Social Security Act, but excluding an indi-
17 vidual who is eligible to enroll under such part
18 under section 1818 of such Act or 1818A of
19 such Act (42 U.S.C. 1395i–2, 1395i–2a); or

20 “(ii) a member of family (as defined in sec-
21 tion 8901(5) of title 5, United States Code) of
22 a Postal Service annuitant and is entitled to
23 benefits under part A of title XVIII of the So-
24 cial Security Act, but excluding an individual
25 who is eligible to enroll under such part under

1 section 1818 of such Act or 1818A of such Act
2 (42 U.S.C. 1395i–2, 1395i–2a); and

3 “(B) is not enrolled under this part, the indi-
4 vidual may elect to be enrolled under this part dur-
5 ing a special enrollment period during the 6–month
6 period beginning on April 1, 2024.

7 “(2) In this subsection, the term ‘Postal Service an-
8 nuitant’ means an annuitant enrolled in a health benefits
9 plan under chapter 89 of title 5, United States Code,
10 whose Government contribution is required to be paid
11 under section 8906(g)(2) of such title.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENTS.—

14 (A) PART A ENROLLMENT.—Section
15 1818(c) of the Social Security Act (42 U.S.C.
16 1395i–2(c)) is amended, in the matter pre-
17 ceding paragraph (1), by striking “(except sub-
18 section (f) thereof)” and inserting “(except sub-
19 sections (f) and (o) thereof)”.

20 (B) COVERAGE PERIOD UNDER PART B.—
21 Section 1838 of the Social Security Act (42
22 U.S.C. 1395q) is amended by adding at the end
23 the following:

24 “(i) Notwithstanding subsection (a), in the case of
25 an individual who enrolls during the special enrollment pe-

1 riod pursuant to section 1837(o), the coverage period shall
2 begin on January 1, 2025.”.

3 (3) TREATMENT OF PART B LATE ENROLLMENT
4 PENALTY FOR INDIVIDUALS ENROLLING DURING
5 SPECIAL ENROLLMENT PERIOD.—Section 1839(e) of
6 the Social Security Act (42 U.S.C. 1395r(e)) is
7 amended—

8 (A) in paragraph (1), by striking “(as de-
9 fined in paragraph (3)(A))” and by inserting
10 “(as defined in paragraph (3)(A)(i)). The Sec-
11 retary shall enter into an agreement with the
12 United States Postal Service under which the
13 United States Postal Service agrees to pay on
14 a quarterly or other periodic basis to the Sec-
15 retary (to be deposited in the Treasury to the
16 credit of the Federal Supplementary Medical
17 Insurance Trust Fund) an amount equal to the
18 amount of the part B late enrollment premium
19 increases with respect to the premiums for eligi-
20 ble individuals (as defined in paragraph
21 (3)(A)(ii)).”; and

22 (B) by amending paragraph (3)(A) to read
23 as follows:

1 “(A) The term ‘eligible individual’ means
2 an individual who is enrolled under this part B
3 and who—

4 “(i) in the case of an agreement en-
5 tered into under the first sentence of para-
6 graph (1), is within a class of individuals
7 specified in such agreement; and

8 “(ii) in the case of an agreement en-
9 tered into under the second sentence of
10 paragraph (1), is so enrolled under this
11 part pursuant to the special enrollment pe-
12 riod under section 1837(o)”.

13 (4) PART D EGWP CONTRACTING CONFORMING
14 AMENDMENT.—Section 1860D–22(b) of the Social
15 Security Act (42 U.S.C. 1395w–132(b)) is amended
16 by inserting before the period at the end the fol-
17 lowing: “, and shall be applied in a manner to facili-
18 tate the offering of prescription drug benefits under
19 a Program plan under section 8903c of title 5,
20 United States Code, as required under subsection
21 (h)(2) of such section, through employment-based
22 retiree health coverage through—

23 “(1) a prescription drug plan; or

1 “(2) contracts between such a Program plan
2 and the PDP sponsor of such a prescription drug
3 plan.”.

4 (c) INFORMATION SHARING AND DISSEMINATION RE-
5 QUIRED FOR SPECIAL ENROLLMENT PERIOD AND EN-
6 FORCEMENT OF PART B ENROLLMENT REQUIRE-
7 MENTS.—

8 (1) DEFINITIONS.—In this subsection, the
9 terms “Medicare part A”, “Medicare part B”, “Of-
10 fice”, “Postal Service”, and “Postal Service annu-
11 itant” have the meanings given those terms in sec-
12 tion 8903c of title 5, United States Code, as added
13 by subsection (a).

14 (2) INFORMATION SHARING BY OPM.—The Of-
15 fice shall, by regulation, establish a process for pro-
16 viding such information as is necessary to the Social
17 Security Administration regarding Postal Service an-
18 nuitants (and the family members of such annu-
19 itants) who may be eligible to enroll under Medicare
20 part B during the special enrollment period de-
21 scribed in subsection (o) of section 1837 of the So-
22 cial Security Act (42 U.S.C. 1395p), as added by
23 subsection (b), or who may be subject to the enroll-
24 ment requirements described in paragraphs (1) and

1 (2) of section 8903c(e) of title 5, United States
2 Code, as added by subsection (a).

3 (3) INFORMATION SHARING BY SSA.—The So-
4 cial Security Administration shall provide to the Of-
5 fice and the Postal Service information regarding
6 whether a Postal Service annuitant, or a family
7 member of such an annuitant, is entitled to benefits
8 under Medicare part A and enrolled under Medicare
9 part B, to assist the Office and the Postal Service
10 in determining—

11 (A) which Postal Service annuitants, and
12 family members of such annuitants, may be eli-
13 gible to enroll under Medicare part B during
14 the special enrollment period described in para-
15 graph (2); and

16 (B) whether Postal Service annuitants, and
17 family members of such annuitants, satisfy the
18 enrollment requirements described in para-
19 graphs (1) and (2) of section 8903c(e) of title
20 5, United States Code, as added by subsection
21 (a).

22 (d) FUNDING.—

23 (1) CMS APPROPRIATION.—In addition to
24 amounts otherwise available, there is appropriated to
25 “the Centers for Medicare & Medicaid Services—

1 Program Management Account”, out of any monies
2 in the Treasury not otherwise appropriated,
3 \$7,500,000 for fiscal year 2022, to remain available
4 until expended, for purposes of carrying out this sec-
5 tion, including the amendments made by this sec-
6 tion.

7 (2) SSA APPROPRIATION.—

8 (A) IN GENERAL.—In addition to amounts
9 otherwise available, there is appropriated to the
10 Social Security Administration, out of any mon-
11 ies in the Treasury not otherwise appropriated,
12 \$16,000,000 for fiscal year 2022, to remain
13 available until the date that is 1 year after the
14 last day of the special enrollment period de-
15 scribed in subsection (c)(2), for purposes of car-
16 rying out this section, with the exception of car-
17 rying out subsection (c)(3) for the purposes set
18 forth in subsection (c)(3)(B), including the
19 amendments made by this section.

20 (B) RELATION TO OTHER APPROPRIA-
21 TION.—The amounts appropriated under sub-
22 paragraph (A) shall be in addition to the Social
23 Security Administration’s Limitation on Admin-
24 istrative Expenditure appropriations.

1 (3) OPM APPROPRIATION.—In addition to
2 amounts otherwise available, there is appropriated to
3 the Office of Personnel Management, out of any
4 monies in the Treasury not otherwise appropriated,
5 \$70,500,000 for fiscal year 2022, to remain avail-
6 able until expended, for purposes of carrying out
7 this section, including the amendments made by this
8 section.

9 (4) FUNDS CREDITED BY POSTAL SERVICE.—
10 The United States Postal Service shall deposit an
11 amount equal to the sum of the amounts appro-
12 priated under paragraphs (1), (2), and (3) into the
13 Treasury as a miscellaneous receipt from the Postal
14 Service Fund in fiscal year 2022.

15 (5) REIMBURSEMENT FOR PERIODIC SSA DATA
16 SHARING.—

17 (A) INTER-AGENCY AGREEMENT.—The
18 Commissioner of Social Security shall enter into
19 an agreement with the Director of the Office
20 under which the Director pays the Commis-
21 sioner from the Postal Service administrative
22 reserve the full costs (including systems and ad-
23 ministrative costs) of providing the information
24 described in subsection (c)(3) for the purpose
25 set forth in subsection (c)(3)(B).

1 (B) REPORT TO CONGRESS.—The Director
2 of the Office—

3 (i) shall report the amount paid under
4 subparagraph (A) annually to the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs of the Senate and the Com-
7 mittee on Oversight and Reform of the
8 House of Representatives; and

9 (ii) may satisfy the requirement under
10 clause (i) by including the amount paid
11 under subparagraph (A) in any other an-
12 nual report submitted to Congress.

13 **SEC. 102. USPS FAIRNESS ACT.**

14 (a) SHORT TITLE.—This section may be cited as the
15 “USPS Fairness Act”.

16 (b) RATIONAL BENEFITS FUNDING AND ACCOUNT-
17 ING.—

18 (1) IN GENERAL.—Section 8909a of title 5,
19 United States Code, is amended by striking sub-
20 section (d) and inserting the following:

21 “(d)(1) Not later than June 30, 2026, and by June
22 30 of each succeeding year, the Office shall compute, for
23 the most recently concluded fiscal year, the amount (if
24 any) that Government contributions required to be paid
25 from the Fund under section 8906(g)(2)(A) exceeded the

1 estimated net claims costs under the enrollment of the in-
2 dividuals described in section 8906(g)(2)(A).

3 “(2) Not later than September 30 of each year in
4 which the Office makes a computation under paragraph
5 (1), the United States Postal Service shall pay into the
6 Fund the amount (if any) of the excess computed under
7 such paragraph.

8 “(e) Any computation required under section 3654(b)
9 of title 39 shall be based on—

10 “(1) the net present value of the future net
11 claims costs with respect to—

12 “(A) current annuitants of the United
13 States Postal Service as of the end of the fiscal
14 year ending on September 30 of the relevant re-
15 porting year; and

16 “(B) current employees of the United
17 States Postal Service who would, as of Sep-
18 tember 30 of that year—

19 “(i) be eligible to become annuitants
20 pursuant to section 8901(3)(A)(i) or (ii);
21 and

22 “(ii) if they were retired as of that
23 date, meet the criteria for coverage of an-
24 nuitants under section 8905(b);

1 “(2) economic and actuarial methods and as-
2 sumptions consistent with the methods and assump-
3 tions used in determining the Postal surplus or sup-
4 plemental liability under section 8348(h); and

5 “(3) any other methods and assumptions, in-
6 cluding a health care cost trend rate, that the Direc-
7 tor of the Office determines to be appropriate.

8 “(f) After consultation with the United States Postal
9 Service, the Office shall promulgate any regulations the
10 Office determines necessary under this subsection.

11 “(g) For purposes of this section, the term ‘estimated
12 net claims costs’ shall mean the difference between—

13 “(1) the sum of—

14 “(A) the estimated costs incurred by a car-
15 rier in providing health services to, paying for
16 health services provided to, or reimbursing ex-
17 penses for health services provided to, annu-
18 itants of the United States Postal Service and
19 any other persons covered under the enrollment
20 of such annuitants; and

21 “(B) an amount of indirect expenses rea-
22 sonably allocable to the provision, payment, or
23 reimbursement described in subparagraph (A),
24 as determined by the Office; and

1 “(2) the amount withheld from the annuity of
2 or paid by annuitants of the United States Postal
3 Service under section 8906.”.

4 (2) CLERICAL AMENDMENT.—The heading of
5 section 8909a of title 5, United States Code, is
6 amended by striking “**Benefit**” and inserting
7 “**Benefits**”.

8 (c) APPLICATION.—

9 (1) CANCELLATION OF PAYMENTS.—Any pay-
10 ment required from the Postal Service under section
11 8909a of title 5, United States Code, as in effect on
12 the day before the date of enactment of this Act that
13 remains unpaid as of such date of enactment is can-
14 celed.

15 (2) EFFECT OF THIS ACT.—In any determina-
16 tion relating to the future liability for retiree health
17 benefits of the United States Postal Service or the
18 Postal Service Retiree Health Benefits Fund, the
19 Office of Personnel Management shall take into ac-
20 count the actual and reasonably expected effects of
21 this Act.

22 (d) USE OF FUNDS FROM SALE OF REAL PROPERTY
23 FOR CERTAIN PAYMENTS.—

1 (1) IN GENERAL.—Chapter 29 of title 39,
2 United States Code, is amended by adding at the
3 end the following:

4 **“§ 2903. Use of funds from sale of property**

5 “In the event that the Postal Service permanently
6 ceases operations, any funds derived from the sale of any
7 real property owned by the Postal Service shall be used
8 to pay any outstanding liability with respect to the salaries
9 and expenses of any Postal Service employee. The balance
10 of any remaining funds shall be deposited into the Postal
11 Service Retiree Health Benefits Fund established under
12 section 8909a of title 5.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions of such chapter is amended by adding after the
15 item relating to section 2902 the following new item:

“2903. Use of funds from sale of property.”.

16 **SEC. 103. NONPOSTAL SERVICES.**

17 (a) NONPOSTAL SERVICES.—

18 (1) IN GENERAL.—Part IV of title 39, United
19 States Code, is amended by adding after chapter 36
20 the following:

21 **“CHAPTER 37—NONPOSTAL SERVICES**

“Sec.

“3701. Purpose.

“3702. Definitions.

“3703. Postal Service program for State governments.

“3704. Postal Service program for other Government agencies.

“3705. Transparency and accountability for nonpostal services.

1 **“§ 3701. Purpose**

2 “The purpose of this chapter is to enable the Postal
3 Service to increase its net revenues through specific non-
4 postal products and services that are expressly authorized
5 by this chapter.

6 **“§ 3702. Definitions**

7 “In this chapter—

8 “(1) the term ‘nonpostal services’ is limited to
9 services offered by the Postal Service that are ex-
10 pressly authorized by this chapter and are not postal
11 products or services;

12 “(2) the term ‘costs attributable’ has the mean-
13 ing given such term in section 3631;

14 “(3) the term ‘year’ means a fiscal year;

15 “(4) the term ‘local government’ means a coun-
16 ty, municipality, city, town, township, local public
17 authority, school district, special district, intrastate
18 district, council of governments, or regional or inter-
19 state government entity;

20 “(5) the term ‘State government’ includes the
21 government of the District of Columbia, the Com-
22 monwealth of Puerto Rico, the United States Virgin
23 Islands, Guam, American Samoa, the Common-
24 wealth of the Northern Mariana Islands, and any
25 other territory or possession of the United States;

1 “(6) the term ‘tribal government’ means the
2 government of an Indian tribe, as that term is de-
3 fined in section 4 of the Indian Self-Determination
4 and Education Assistance Act (25 U.S.C. 5304);
5 and

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

13 **“§ 3703. Postal Service program for State govern-**
14 **ments**

15 “(a) IN GENERAL.—Notwithstanding any other pro-
16 vision of this title, the Postal Service may establish a pro-
17 gram to enter into agreements with an agency of any State
18 government, local government, or tribal government to
19 provide property or nonpostal services to the public on be-
20 half of such agencies for non-commercial purposes, but
21 only if—

22 “(1) such property or nonpostal services—

23 “(A) provide enhanced value to the public,
24 such as by lowering the cost or raising the qual-

1 ity of such services or by making such services
2 more accessible;

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

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

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

10 “(2) such agreements provide a net contribution
11 to the Postal Service, defined as reimbursement that
12 covers at least 100 percent of the costs attributable
13 to all property and nonpostal services provided under
14 each relevant agreement in each year, except that
15 agreements determined to be substantially similar by
16 the Postal Service with the concurrence of the Postal
17 Regulatory Commission shall be reviewed based on
18 their collective revenue and costs attributable.

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

22 “(1) the agreement with the agency regarding
23 such service; and

24 “(2) a business plan that describes the specific
25 property or nonpostal service to be provided, the en-

1 hanced value to the public, and terms of reimburse-
2 ment to the Postal Service.

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

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

12 “(1) described in section 410(c); or

13 “(2) exempt from public disclosure under sec-
14 tion 552(b) of title 5.

15 **“§ 3704. Postal Service program for other Govern-**
16 **ment agencies**

17 “The Postal Service may establish a program to pro-
18 vide property and nonpostal services to other Government
19 agencies within the meaning of section 411, but only if
20 such program provides a net contribution to the Postal
21 Service, defined as reimbursement that covers at least 100
22 percent of the costs attributable for property and non-
23 postal services provided by the Postal Service in each year
24 to such agencies.

1 **“§ 3705. Transparency and accountability for non-**
2 **postal services**

3 “(a) ANNUAL REPORT TO THE COMMISSION.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the last day of each year, the Postal Service
6 shall submit to the Postal Regulatory Commission a
7 report that analyzes costs, revenues, rates, and qual-
8 ity of service for each agreement or substantially
9 similar set of agreements for the provision of prop-
10 erty or nonpostal services under section 3703 or the
11 program as a whole under section 3704, and any
12 other nonpostal service authorized under this chap-
13 ter, using such methodologies as the Commission
14 may prescribe, and in sufficient detail to dem-
15 onstrate compliance with the requirements of this
16 chapter.

17 “(2) SUPPORTING MATTER.—A report sub-
18 mitted under paragraph (1) shall include any non-
19 public annex, the working papers, and any other
20 supporting matter of the Postal Service and the In-
21 spector General related to the information submitted
22 in such report.

23 “(b) CONTENT AND FORM OF REPORT.—

24 “(1) IN GENERAL.—The Postal Regulatory
25 Commission shall, by regulation, prescribe the con-
26 tent and form of the report required under sub-

1 section (a). In prescribing such regulations, the
2 Commission shall give due consideration to—

3 “(A) providing the public with timely, ade-
4 quate information to assess compliance;

5 “(B) avoiding unnecessary or unwarranted
6 administrative effort and expense on the part of
7 the Postal Service; and

8 “(C) protecting the confidentiality of infor-
9 mation that is commercially sensitive or is ex-
10 empt from public disclosure under section
11 552(b) of title 5.

12 “(2) REVISED REQUIREMENTS.—The Commis-
13 sion may, on its own motion or on request of any
14 interested party, initiate proceedings to improve the
15 quality, accuracy, or completeness of Postal Service
16 data required by the Commission if—

17 “(A) the attribution of costs or revenues to
18 property, products, or services under this chap-
19 ter has become significantly inaccurate or can
20 be significantly improved;

21 “(B) the quality of service data provided to
22 the Commission for a report under this chapter
23 has become significantly inaccurate or can be
24 significantly improved; or

1 “(C) such revisions are, in the judgment of
2 the Commission, otherwise necessitated by the
3 public interest.

4 “(c) AUDITS.—The Inspector General shall regularly
5 audit the data collection systems and procedures used in
6 collecting information and preparing the report required
7 under subsection (a). The results of any such audit shall
8 be submitted to the Postal Service and the Postal Regu-
9 latory Commission.

10 “(d) CONFIDENTIAL INFORMATION.—

11 “(1) IN GENERAL.—If the Postal Service deter-
12 mines that any document or portion of a document,
13 or other matter, which it provides to the Postal Reg-
14 ulatory Commission in a nonpublic annex under this
15 section contains information described in section
16 410(c), or exempt from public disclosure under sec-
17 tion 552(b) of title 5, the Postal Service shall, at the
18 time of providing such matter to the Commission,
19 notify the Commission of its determination, in writ-
20 ing, and describe with particularity the documents
21 (or portions of documents) or other matter for which
22 confidentiality is sought and the reasons therefor.

23 “(2) TREATMENT.—Any information or other
24 matter described in paragraph (1) to which the
25 Commission gains access under this section shall be

1 subject to paragraphs (2) and (3) of section 504(g)
2 in the same way as if the Commission had received
3 notification with respect to such matter under sec-
4 tion 504(g)(1).

5 “(e) ANNUAL COMPLIANCE DETERMINATION.—

6 “(1) OPPORTUNITY FOR PUBLIC COMMENT.—

7 Upon receiving a report required under subsection
8 (a), the Postal Regulatory Commission shall prompt-
9 ly—

10 “(A) provide an opportunity for comment
11 on such report by any interested party; and

12 “(B) appoint an officer of the Commission
13 to represent the interests of the general public.

14 “(2) DETERMINATION OF COMPLIANCE OR NON-
15 COMPLIANCE.—Not later than 90 days after receiv-
16 ing a report required under subsection (a), the Post-
17 al Regulatory Commission shall make a written de-
18 termination as to whether the activities carried out
19 pursuant to this chapter during the applicable year
20 were or were not in compliance with the provisions
21 of this chapter. For purposes of this paragraph, any
22 case in which the requirements for coverage of costs
23 attributable have not been met shall be considered to
24 be a case of noncompliance. If, with respect to a
25 year, no instance of noncompliance is found to have

1 occurred, the determination shall be to that effect.
2 Such determination of noncompliance shall be in-
3 cluded with the annual compliance determination re-
4 quired under section 3653.

5 “(3) NONCOMPLIANCE.—If a timely written de-
6 termination of noncompliance is made under para-
7 graph (2), the Postal Regulatory Commission shall
8 take appropriate action. If the requirements for cov-
9 erage of costs attributable specified by this chapter
10 are not met, the Commission shall, within 60 days
11 after the determination, prescribe remedial action to
12 restore compliance as soon as practicable, including
13 the full restoration of revenue shortfalls during the
14 following year. The Commission may order the Post-
15 al Service to discontinue a nonpostal service under
16 section 3703 that persistently fails to meet cost cov-
17 erage requirements.

18 “(4) DELIBERATE NONCOMPLIANCE.—In the
19 case of deliberate noncompliance by the Postal Serv-
20 ice with the requirements of this chapter, the Postal
21 Regulatory Commission may order, based on the na-
22 ture, circumstances, extent, and seriousness of the
23 noncompliance, a fine (in the amount specified by
24 the Commission in its order) for each incidence of
25 such noncompliance. All receipts from fines imposed

1 under this subsection shall be deposited in the gen-
2 eral fund of the Treasury.

3 “(f) REGULATIONS REQUIRED.—The Postal Regu-
4 latory Commission shall issue such regulations as are nec-
5 essary to carry out this section.

6 “(g) EXPERIMENTAL PRODUCT AUTHORITY.—The
7 Postal Service may conduct market tests of agreements
8 pursuant to section 3703 and section 3704 of this chapter
9 subject to the same terms and conditions described in sec-
10 tion 3641 of this title. For the purposes of a market test,
11 the cost coverage requirements in sections 3703 and 3704
12 of this chapter shall not apply.”.

13 (2) CLERICAL AMENDMENT.—The table of
14 chapters for part IV of title 39, United States Code,
15 is amended by adding after the item relating to
16 chapter 36 the following:

“37. Nonpostal services 3701”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) SECTION 404.—Section 404(e) of title 39,
19 United States Code, is amended in paragraph (2),
20 by inserting after “subsection” the following: “, or
21 any nonpostal products or services authorized by
22 chapter 37”.

23 (2) SECTION 411.—The last sentence of section
24 411 of title 39, United States Code, is amended by
25 striking “including reimbursability” and inserting

1 “including reimbursability within the limitations of
2 chapter 37”.

3 (3) TREATMENT OF EXISTING NONPOSTAL
4 SERVICES.—All individual nonpostal services, pro-
5 vided directly or through licensing, that are contin-
6 ued pursuant to section 404(e) of title 39, United
7 States Code, shall be considered to be expressly au-
8 thorized by chapter 37 of such title (as added by
9 subsection (a)(1)) and shall be subject to the re-
10 quirements of section 3705, subsections (a) through
11 (d).

12 **TITLE II—POSTAL SERVICE** 13 **OPERATIONAL REFORMS**

14 **SEC. 201. PERFORMANCE TARGETS AND TRANSPARENCY.**

15 (a) IN GENERAL.—Subchapter VII of chapter 36 of
16 title 39, United States Code, is amended by inserting after
17 section 3691 the following:

18 **“§ 3692. Performance targets and transparency**

19 “(a) PERFORMANCE TARGETS.—Each year, to en-
20 sure that mail service for postal customers meets the serv-
21 ice standards for market-dominant products, established
22 under section 3691, the Postal Service shall—

23 “(1) not later than 60 days after the beginning
24 of the fiscal year in which they will apply, establish
25 and provide to the Postal Regulatory Commission

1 reasonable targets for performance for each product;
2 and

3 “(2) provide the previous fiscal year’s perform-
4 ance targets in its Annual Compliance Report to the
5 Postal Regulatory Commission for evaluation of
6 compliance for each product.

7 “(b) POSTAL REGULATORY COMMISSION DETER-
8 MINATION OF CERTAIN PERFORMANCE INFORMATION.—
9 Not later than 90 days after first receiving the perform-
10 ance targets under subsection (a)(1), the Postal Regu-
11 latory Commission shall provide to the Postal Service—

12 “(1) requirements for the Postal Service to
13 publish nationwide, regional, and local delivery area
14 performance information in accordance with sub-
15 section (c)(2) that—

16 “(A) are consistent with the organizational
17 structure of the delivery network of the Postal
18 Service (including at the District and Area or-
19 ganizational levels, or the functional equiva-
20 lents, and, to the extent practicable, at the U.S.
21 ZIP Code Area level);

22 “(B) reflect the most granular geographic
23 level of performance information appropriate
24 for the Postal Service to publish; and

1 “(C) includes time period segments for the
2 published geographic levels to satisfy the pub-
3 lishing requirements of subparagraphs (A) and
4 (C) of subsection (e)(2); and

5 “(2) recommendations for any modifications to
6 the Postal Service’s measurement systems necessary
7 to measure and publish the performance information
8 under subsection (e)(2) that the Postal Regulatory
9 Commission deems relevant.

10 “(c) PUBLIC PERFORMANCE DASHBOARD.—

11 “(1) IN GENERAL.—The Postal Service shall
12 develop and maintain a publicly available Website
13 with an interactive web-tool that provides perform-
14 ance information for market-dominant products that
15 is updated on a weekly basis.

16 “(2) PERFORMANCE INFORMATION.—The per-
17 formance information provided for a market-domi-
18 nant product on the Website shall include—

19 “(A) the type of market-dominant product;

20 “(B) performance information for different
21 geographic areas, consistent with subsection
22 (b);

23 “(C) performance information for different
24 time periods, including annual, quarterly,
25 monthly, and weekly segments;

1 “(D) comparisons of performance informa-
2 tion for market-dominant products to perform-
3 ance information for previous time periods to
4 facilitate identification of performance trends;
5 and

6 “(E) the performance targets then in ef-
7 fect, and the performance targets for the pre-
8 vious fiscal year, as established under sub-
9 section (a)(1).

10 “(3) COMPREHENSIBILITY.—The Website shall
11 include plain language descriptions of the elements
12 required under paragraph (2) and information on
13 the collection process, measurement methodology,
14 completeness, accuracy, and validity of the perform-
15 ance information provided on the Website.

16 “(4) ADDRESS SEARCH FUNCTIONALITY.—The
17 Website shall include functionality to enable a user
18 to search for performance information by street ad-
19 dress, ZIP Code, or post office box.

20 “(5) FORMAT.—The Postal Service shall make
21 the performance information provided on the
22 Website available—

23 “(A) in a manner that—

1 “(i) presents the information required
2 under paragraph (2) on an interactive
3 dashboard;

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

7 “(iii) to the extent practicable, enables
8 any person or entity to download in bulk—

9 “(I) such performance informa-
10 tion; and

11 “(II) the results of a search by
12 the elements described in paragraph
13 (2);

14 “(B) under an ‘open license’ which has the
15 meaning given that term in section 3502 of title
16 44; and

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

21 “(6) CONSULTATION.—The Postal Service shall
22 regularly consult with the Postal Regulatory Com-
23 mission on appropriate features and information to
24 be included on the Website.

1 “(7) PUBLIC INPUT.—The Postal Service
2 shall—

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

5 “(B) maintain a public feedback tool to en-
6 sure each feature of, and the information on,
7 the Website is usable and understandable.

8 “(8) DEADLINE.—The Postal Service shall im-
9 plement and make available to the public (and make
10 any subsequent changes in accordance with sub-
11 section (b)) the Website not later than 60 days from
12 the date on which the Postal Service receives the re-
13 quirements and recommendations from the Postal
14 Regulatory Commission under subsection (b), and
15 shall continuously update such information on the
16 Website as required by subsection (b).

17 “(9) AVAILABILITY.—A link and plain language
18 description of the Website shall be made available on
19 any webpage where performance targets and meas-
20 urements established under subsection (a)(1) are
21 made available to the public.

22 “(10) REPORTING.—The Postal Service, the
23 Postmaster General, or the Board, as applicable,
24 shall reference the dashboard described in paragraph
25 (5)(A)(i) in the Annual Performance Plan under sec-

1 tion 2803, the Annual Performance Report under
2 section 2804, and the Annual Report under section
3 2402.

4 “(11) DEFINITIONS.—In this subsection—

5 “(A) PERFORMANCE INFORMATION.—The
6 term ‘performance information’ means the ob-
7 jective external performance measurements es-
8 tablished under section 3691(b)(1)(D).

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

11 (b) TECHNICAL AND CONFORMING AMENDMENT.—
12 The table of sections for chapter 36 of title 39, United
13 States Code, is amended by inserting after the item relat-
14 ing to section 3691 the following:

 “3692. Performance targets and transparency.”.

15 **SEC. 202. INTEGRATED DELIVERY NETWORK.**

16 (a) IN GENERAL.—Section 101(b) of title 39, United
17 States Code, is amended by inserting before “The Postal
18 Service” the following: “The Postal Service shall maintain
19 an integrated network for the delivery of market-dominant
20 and competitive products (as defined in chapter 36 of this
21 title). Delivery shall occur at least six days a week, except
22 during weeks that include a Federal holiday, in emergency
23 situations, such as natural disasters, or in geographic
24 areas where the Postal Service has established a policy of

1 delivering mail fewer than six days a week as of the date
2 of enactment of the Postal Service Reform Act of 2022.”.

3 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
4 section (a) or the amendment made by such subsection
5 is intended to alter or amend the requirements of chapters
6 20 or 36 of title 39, United States Code, and related im-
7 plementing regulations, including provisions relating to
8 costing, accounting, or rates.

9 **SEC. 203. REVIEW OF POSTAL SERVICE COST ATTRIBUTION**
10 **GUIDELINES.**

11 Not later than the date that is one year after the
12 date of the enactment of this Act, the Postal Regulatory
13 Commission shall initiate a review of the regulations
14 issued pursuant to sections 3633(a) and 3652(a)(1) of
15 title 39, United States Code, to determine whether revi-
16 sions are appropriate to ensure that all direct and indirect
17 costs attributable to competitive and market-dominant
18 products are properly attributed to those products, includ-
19 ing by considering the underlying methodologies in deter-
20 mining cost attribution and considering options to revise
21 such methodologies. If the Commission determines, after
22 notice and opportunity for public comment, that revisions
23 are appropriate, the Commission shall make modifications
24 or adopt alternative methodologies as necessary.

1 **SEC. 204. RURAL NEWSPAPER SUSTAINABILITY.**

2 Section 3626(h) of title 39, United States Code, is
3 amended by striking “10 percent” and inserting “50 per-
4 cent”.

5 **SEC. 205. FUNDING OF POSTAL REGULATORY COMMISSION.**

6 (a) IN GENERAL.—Subsection (d) of section 504 of
7 title 39, United States Code, is amended to read as fol-
8 lows:

9 “(d)(1) Not later than September 1 of each fiscal
10 year (beginning with fiscal year 2022), the Postal Regu-
11 latory Commission shall submit to the Postal Service a
12 budget of the Commission’s expenses, including expenses
13 for facilities, supplies, compensation, and employee bene-
14 fits, for the following fiscal year. Any such budget shall
15 be deemed approved as submitted if the Governors fail to
16 adjust the budget in accordance with paragraph (2).

17 “(2)(A) Not later than 30 days after receiving a
18 budget under paragraph (1), the Governors holding office,
19 by unanimous written decision, may adjust the total
20 amount of funding requested in such budget. Nothing in
21 this subparagraph may be construed to authorize the Gov-
22 ernors to adjust any activity proposed to be funded by the
23 budget.

24 “(B) If the Governors adjust the budget under sub-
25 paragraph (A), the Postal Regulatory Commission shall
26 adjust the suballocations within such budget to reflect the

1 total adjustment made by the Governors. The budget shall
2 be deemed approved on the date the Commission makes
3 any such adjustments. The Commission may make further
4 adjustments to the suballocations within such budget as
5 necessary.

6 “(3) Expenses incurred under any budget approved
7 under this subsection shall be paid out of the Postal Serv-
8 ice Fund established under section 2003.”.

9 (b) CONFORMING AMENDMENTS.—Title 39, United
10 States Code, is amended—

11 (1) in section 2003(e), by striking “(B) all ex-
12 penses of the Postal Regulatory Commission, subject
13 to the availability of amounts appropriated under
14 section 504(d);” and inserting “(B) all expenses of
15 the Postal Regulatory Commission, pursuant to sec-
16 tion 504(d);”; and

17 (2) in section 2009—

18 (A) by striking “, (2)” and inserting “,
19 and (2)”; and

20 (B) by striking “, and (3) the Postal Regu-
21 latory Commission requests to be appropriated,
22 out of the Postal Service Fund, under section
23 504(d) of this title”.

24 **SEC. 206. FLATS OPERATIONS STUDY AND REFORM.**

25 (a) FLATS OPERATIONS STUDY.—

1 (1) IN GENERAL.—The Postal Regulatory Com-
2 mission, in consultation with the Inspector General
3 of the United States Postal Service, shall conduct a
4 study to—

5 (A) comprehensively identify the causes of
6 inefficiencies in the collection, sorting, transpor-
7 tation, and delivery of Flats; and

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

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

18 (A) access to Postal Service facilities to
19 personnel of the Postal Regulatory Commission;
20 and

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

23 (3) REPORT.—Not later than one year after the
24 date of the enactment of this Act, the Postal Regu-
25 latory Commission shall submit to Congress and the

1 Postmaster General a report on the findings of the
2 study conducted under paragraph (1).

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

8 (b) FLATS OPERATIONS REFORM.—

9 (1) IN GENERAL.—Not later than six months
10 after the date on which the Postal Regulatory Com-
11 mission submits the report described in subsection
12 (a)(3), the Postal Service shall—

13 (A) develop and implement a plan to rem-
14 edy each inefficiency identified in the study con-
15 ducted under subsection (a)(1) to the extent
16 practicable; and

17 (B) if the Postal Service determines that
18 remedying any such inefficiency is not prac-
19 ticable, provide to Congress and the Postal Reg-
20 ulatory Commission an explanation why rem-
21 edying such inefficiency is not practicable, in-
22 cluding whether it may become practicable to
23 remedy such inefficiency at a later time.

1 (2) IMPLEMENTATION REQUIREMENTS.—Prior
2 to implementing the plan described in paragraph
3 (1)—

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

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

9 (3) COMPLETION NOTICE.—On the date on
10 which the plan described in paragraph (1) is fully
11 implemented, as determined by the Postmaster Gen-
12 eral, the Postmaster General shall submit to Con-
13 gress and the Postal Regulatory Commission a writ-
14 ten notice of such implementation.

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

1 **SEC. 207. REPORTING REQUIREMENTS.**

2 (a) IN GENERAL.—Not later than 240 days after the
3 date of the enactment of this Act, and every six months
4 thereafter, the Postmaster General shall submit to the
5 President, the Postal Regulatory Commission, the Com-
6 mittee on Homeland Security and Governmental Affairs
7 of the Senate, and the Committee on Oversight and Re-
8 form of the House of Representatives a report on the oper-
9 ations and financial condition of the Postal Service during
10 the six-month period ending 60 days before the date on
11 which the Postmaster General submits such report.

12 (b) CONTENTS.—Each report submitted under this
13 section shall include updates, details of changes from pre-
14 vious standards and requirements, and assessments of
15 progress being made on the operations and financial con-
16 dition of the Postal Service, including—

17 (1) the actual mail and package volume growth
18 relative to any mail or package volume growth pro-
19 jections previously made or relied upon by the Postal
20 Service, including a discussion of the reasons for the
21 differences in projections and the associated adjust-
22 ments being made;

23 (2) the effect of pricing changes on product vol-
24 ume for market-dominant and competitive products,
25 and associated revenue effects on financial projec-
26 tions, including a discussion of the reasons behind

1 the differences in projections and associated adjust-
2 ments being made;

3 (3) customer use of network distribution cen-
4 ters and processing and distribution centers;

5 (4) the status of the USPS Connect program
6 and revenue effects of the program on the financial
7 projections;

8 (5) the use of Priority Mail, Priority Mail Ex-
9 press, First-Class Package Service, and Parcel Se-
10 lect services (as such terms are defined in the Mail
11 Classification Schedule as in effect on the date of
12 the enactment of this Act) among customers and as-
13 sociated revenue effects;

14 (6) the use of USPS Connect Returns service
15 among customers, and associated costs and revenue
16 effects;

17 (7) the use of USPS E-Commerce Marketplace
18 among customers, and associated costs and revenue
19 effects;

20 (8) updates on the reliability, efficiency, and
21 cost-effectiveness of the transportation network, in-
22 cluding the manner in which ground transportation
23 is utilized over air transportation for types of mar-
24 ket-dominant products and competitive products;

1 (9) a review of efforts to enhance employee
2 training, safety, and wellbeing, including associated
3 effects on employee recruitment, satisfaction, and re-
4 tention;

5 (10) a review of efforts being made to improve
6 employee allocation, including changes of non-career
7 employees to career status, and any associated im-
8 pacts to operational expenses and processing, trans-
9 portation, and delivery efficiency;

10 (11) the rate of planned investment into Postal
11 Service processing, transportation, and delivery
12 equipment and infrastructure for market-dominant
13 and competitive products, and a review of any asso-
14 ciated effects on operational expenses and efficiency;

15 (12) changes to network distribution centers
16 and the expansion of regional distribution centers,
17 including costs associated with the changes and any
18 realized reduction in operational expenses or im-
19 proved resource efficiencies;

20 (13) a review of the ability of the Postal Service
21 to meet performance targets established under sec-
22 tion 3692(a)(1) of title 39, United States Code;

23 (14) a discussion of the progress of the Postal
24 Service in achieving any new, self-funded invest-
25 ments, including the amounts realized and expended

1 to date, and a discussion of the reasons behind any
2 disparities in the assumptions regarding the ex-
3 pected progress of the Postal Service getting new,
4 self-funded investments to accommodate changes;
5 and

6 (15) any other information the Postal Service
7 determines relevant, such as barriers or unantici-
8 pated events, in order to help the Postal Regulatory
9 Commission, Congress, the President, and the Amer-
10 ican public evaluate the success or difficulties faced
11 by the Postal Service in implementing the reform
12 plan.

13 (c) CONFIDENTIAL INFORMATION.—

14 (1) IN GENERAL.—The report required under
15 this subsection shall be submitted in a form that ex-
16 cludes any proprietary or confidential information
17 and trade secrets.

18 (2) NOTIFICATION.—If the Postal Service de-
19 termines that any information must be excluded
20 under paragraph (1), the Postal Service shall, at the
21 time of submitting the report, notify the President,
22 the Committee on Oversight and Reform of the
23 House of Representatives, the Committee on Home-
24 land Security and Governmental Affairs of the Sen-
25 ate, and the Postal Regulatory Commission in writ-

1 ing of its determination and describe in detail the in-
2 formation for which confidentiality is sought and the
3 reasons therefor.

4 (3) ANNEXES.—The Postal Service shall submit
5 to the persons and entities notified under paragraph
6 (2) any information excluded under paragraph (1) in
7 an annex that shall be treated as confidential in ac-
8 cordance with paragraph (4).

9 (4) TREATMENT.—No person may, with respect
10 to any information which such person receives under
11 paragraph (4)—

12 (A) use such information for purposes
13 other than the purposes for which it is supplied;
14 or

15 (B) permit any person or entity other than
16 a person or entity notified under paragraph (2),
17 or the staff thereof, to have access to any such
18 information.

19 (d) TERMINATION.—This section shall terminate on
20 the date that is five years after the date on which the first
21 report required by this section is submitted.

22 **SEC. 208. POSTAL SERVICE TRANSPORTATION SELECTION**
23 **POLICY REVISIONS.**

24 Section 101(f) of title 39, United States Code, is
25 amended—

1 (1) by striking “prompt and economical” and
2 inserting “prompt, economical, consistent, and reli-
3 able”;

4 (2) by inserting after “all mail” the following:
5 “in a manner that increases operational efficiency
6 and reduces complexity”;

7 (3) by inserting “cost-effective” after “to
8 achieve”; and

9 (4) by inserting “also” after “Nation shall”.

10 **SEC. 209. USPS INSPECTOR GENERAL OVERSIGHT OF POST-**
11 **AL REGULATORY COMMISSION.**

12 (a) IN GENERAL.—Section 8G of the Inspector Gen-
13 eral Act of 1978 (5 U.S.C. App.) is amended—

14 (1) in subsection (a)(2), by striking “the Postal
15 Regulatory Commission,”; and

16 (2) in subsection (f)—

17 (A) in paragraph (2)—

18 (i) by striking “(2) In carrying” and
19 inserting “(2)(A) In carrying”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(B) In carrying out the duties and responsibil-
23 ities specified in this Act, the Inspector General of
24 the United States Postal Service shall function as
25 the Inspector General for the Postal Regulatory

1 Commission, and shall have equal responsibility over
2 the United States Postal Service and the Postal
3 Regulatory Commission. The Commission shall com-
4 ply with the Inspector General’s oversight as if the
5 Commission were a designated Federal entity under
6 subsection (a)(2) and as if the Inspector General
7 were the inspector general of the Commission. The
8 Governors of the Postal Service shall not direct over-
9 sight activities for the Postal Regulatory Commis-
10 sion.”;

11 (B) in paragraph (3)(A)(i), by inserting
12 “pertaining to the United States Postal Serv-
13 ice” after “subpoenas,”;

14 (C) in paragraph (3)(B)(i), by inserting
15 “and the Postal Regulatory Commission” after
16 “United States Postal Service”;

17 (D) in paragraph (3)(C), by inserting “or
18 the Postal Regulatory Commission” after “Gov-
19 ernors”;

20 (E) by redesignating paragraphs (4), (5),
21 and (6) as paragraphs (5), (6), and (7), respec-
22 tively; and

23 (F) by inserting after paragraph (3) the
24 following:

1 “(4) For activities pertaining to the Postal Reg-
2 ulatory Commission, sections 4, 5, 6 (other than
3 subsection (g) thereof), and 7 of this Act shall be
4 applied by substituting the term ‘head of the Postal
5 Regulatory Commission’ for ‘head of the establish-
6 ment’.”.

7 (b) APPOINTMENT AND REMOVAL.—Section 202 of
8 title 39, United States Code, is amended—

9 (1) in subsection (e)(1), by striking “The Gov-
10 ernors shall appoint” and inserting “The Governors
11 and the members of the Postal Regulatory Commis-
12 sion shall appoint, by a favorable vote of a majority
13 of the Governors in office and of a majority of the
14 members of the Commission in office,”; and

15 (2) in subsection (e)(3), by inserting “and 3
16 members of the Postal Regulatory Commission”
17 after “at least 7 Governors”.

18 (c) SAVINGS PROVISION.—

19 (1) PERSONNEL, DOCUMENTS, ASSETS.—All
20 personnel, documents, assets, unexpended balances
21 of appropriations, and obligations of the Inspector
22 General for the Postal Regulatory Commission shall
23 transfer to the Inspector General of the Postal Serv-
24 ice on the effective date of this section.

1 (2) LEGAL DOCUMENTS.—Any order, deter-
2 mination, rule, regulation, permit, grant, loan, con-
3 tract, agreement, certificate, license, or privilege that
4 has been issued, made, granted, or allowed to be-
5 come effective by the Inspector General of the Postal
6 Regulatory Commission that is in effect on the effec-
7 tive date of this section shall continue in effect ac-
8 cording to their terms until modified, terminated,
9 superseded, set aside, or revoked in accordance with
10 law.

11 (3) PROCEEDINGS.—This section and the
12 amendments made by this section shall not affect
13 any proceeding pending on the effective date of this
14 section before the Inspector General of the Postal
15 Regulatory Commission, but such proceeding shall
16 be continued by the Inspector General of the Postal
17 Service, at the discretion of that Inspector General.
18 Nothing in this paragraph shall be construed to pro-
19 hibit the discontinuance or modification of any such
20 proceeding under the same terms and conditions and
21 to the same extent that the proceeding could have
22 been discontinued or modified if this section and
23 those amendments had not been enacted.

24 (4) SUITS.—This section and the amendments
25 made by this section shall not affect any suit com-

1 menced before the effective date of this section, and
2 in any such suit, proceeding shall be had, appeals
3 taken, and judgments rendered in the same manner
4 and with the same effect as if this section or such
5 amendments had not been enacted.

6 (5) REFERENCES.—Any reference in any other
7 Federal law, Executive order, rule, regulation, or
8 delegation of authority, or any document relating to
9 the Inspector General of the Postal Regulatory Com-
10 mission shall be deemed to refer to the Inspector
11 General of the United States Postal Service.

12 (d) TECHNICAL AND CONFORMING AMENDMENT.—
13 Section 504 of title 39, United States Code, is amended
14 by striking subsection (h).

15 (e) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall take effect on the date
17 that is 180 days after the date of enactment of this Act.

18 **TITLE III—SEVERABILITY**

19 **SEC. 301. SEVERABILITY.**

20 If any provision of this Act or any amendment made
21 by this Act, or the application of a provision of this Act
22 or an amendment made by this Act to any person or cir-
23 cumstance, is held to be unconstitutional, the remainder
24 of this Act, and the application of the provisions to any

