

Pub. L. 103-31, §8(h)(4), May 20, 1993, 107 Stat. 86, added item 3629.

## SUBCHAPTER I—PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS

### Editorial Notes

#### PRIOR PROVISIONS

A prior subchapter I of this chapter consisted of sections 3601 to 3604, prior to amendment by Pub. L. 109-435, title VI, §601(a)(2), (3), Dec. 20, 2006, 120 Stat. 3238, 3239, which struck out the subchapter heading “POSTAL RATE COMMISSION” and sections 3601 and 3602 and renumbered sections 3603 and 3604 as sections 503 and 504 of this title, respectively, and transferred those sections to chapter 5 of this title.

Section 3601, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759; Pub. L. 94-421, §3(a), Sept. 24, 1976, 90 Stat. 1304; Pub. L. 103-123, title VII, §708(c), Oct. 28, 1993, 107 Stat. 1273, related to establishment of the Postal Rate Commission.

Section 3602, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 759, related to terms of office of the Commissioners of the Postal Rate Commission.

#### AMENDMENTS

2006—Pub. L. 109-435, title II, §201(c), Dec. 20, 2006, 120 Stat. 3205, redesignated subchapter II of this chapter as this subchapter and substituted “PROVISIONS RELATING TO MARKET-DOMINANT PRODUCTS” for “PERMANENT RATES AND CLASSES OF MAIL” in subchapter heading.

### § 3621. Applicability; definitions

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

- (1) first-class mail letters and sealed parcels;
- (2) first-class mail cards;
- (3) periodicals;
- (4) standard mail;
- (5) single-piece parcel post;
- (6) media mail;
- (7) bound printed matter;
- (8) library mail;
- (9) special services; and
- (10) single-piece international mail,

subject to any changes the Postal Regulatory Commission may make under section 3642.

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

(Added Pub. L. 109-435, title II, §201(a), Dec. 20, 2006, 120 Stat. 3200.)

### Editorial Notes

#### PRIOR PROVISIONS

A prior section 3621, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 760, authorized the Governors to fix rates and classes, prior to repeal by Pub. L. 109-435, title II, §201(a), Dec. 20, 2006, 120 Stat. 3200.

### Statutory Notes and Related Subsidiaries

#### RATEMAKING LIMITATIONS

Pub. L. 103-123, title VII, §704(b)(2), Oct. 28, 1993, 107 Stat. 1270, provided that:

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), rates of postage may not be established, under subchapter II [now I] of chapter 36 of title 39, United States Code, in a manner designed to allow the United States Postal Service to receive through reve-

nues any portion of the additional revenues (referred to in section 2401(d) of such title, as amended by paragraph (1)(E)) for which amounts are authorized to be appropriated under such section 2401(d).

“(B) **EXCEPTION.**—If Congress fails to appropriate an amount authorized under section 2401(d) of title 39, United States Code (as amended by paragraph (1)(E)), rates for the various classes of mail may be adjusted in accordance with the provisions of subchapter II [now I] of chapter 36 of such title (excluding section 3627 thereof) such that the resulting increase in revenues will equal the amount that Congress so failed to appropriate.”

### § 3622. Modern rate regulation

(a) **AUTHORITY GENERALLY.**—The Postal Regulatory Commission shall, within 18 months after the date of enactment of this section, by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products.

(b) **OBJECTIVES.**—Such system shall be designed to achieve the following objectives, each of which shall be applied in conjunction with the others:

- (1) To maximize incentives to reduce costs and increase efficiency.
- (2) To create predictability and stability in rates.
- (3) To maintain high quality service standards established under section 3691.
- (4) To allow the Postal Service pricing flexibility.
- (5) To assure adequate revenues, including retained earnings, to maintain financial stability.
- (6) To reduce the administrative burden and increase the transparency of the ratemaking process.
- (7) To enhance mail security and deter terrorism.
- (8) To establish and maintain a just and reasonable schedule for rates and classifications, however the objective under this paragraph shall not be construed to prohibit the Postal Service from making changes of unequal magnitude within, between, or among classes of mail.
- (9) To allocate the total institutional costs of the Postal Service appropriately between market-dominant and competitive products.

(c) **FACTORS.**—In establishing or revising such system, the Postal Regulatory Commission shall take into account—

- (1) the value of the mail service actually provided each class or type of mail service to both the sender and the recipient, including but not limited to the collection, mode of transportation, and priority of delivery;
- (2) the requirement that each class of mail or type of mail service bear the direct and indirect postal costs attributable to each class or type of mail service through reliably identified causal relationships plus that portion of all other costs of the Postal Service reasonably assignable to such class or type;
- (3) the effect of rate increases upon the general public, business mail users, and enterprises in the private sector of the economy engaged in the delivery of mail matter other than letters;