

117TH CONGRESS
2D SESSION

H. R. 8781

To direct the Postal Regulatory Commission to review and modify market-dominant ratemaking system rules as a result of the enactment of the USPS Fairness Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2022

Mr. CONNOLLY (for himself, Mr. GRAVES of Missouri, Mr. LATURNER, and Mr. CLEAVER) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To direct the Postal Regulatory Commission to review and modify market-dominant ratemaking system rules as a result of the enactment of the USPS Fairness Act, 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; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Ensuring Accurate Postal Rates Act”.

6 (b) FINDINGS.—Congress finds the following:

7 (1) The review of the market-dominant rate-
8 making system conducted by the Postal Regulatory

1 Commission (in this Act referred to as the “Com-
2 mission”) pursuant to section 3622(d)(3) of title 39,
3 United States Code, resulted in the Commission’s
4 Order Number 5763 (submitted on November 30,
5 2020) adopting final rules for the system of regu-
6 lating rates and classes for market dominant prod-
7 ucts.

8 (2) Such final rules rely in major part upon an
9 earlier finding of the Commission that the then-ex-
10 isting system of market-dominant ratemaking had
11 not enabled the United States Postal Service to
12 achieve medium- and long-term financial stability.

13 (3) The Commission’s findings as to medium-
14 and long-term financial stability rested upon its cal-
15 culation of deficits (largely relating to retiree benefit
16 obligations) accumulated on the Postal Service’s
17 books of account.

18 (4) Section 102(c)(1) of the USPS Fairness
19 Act (section 102 of Public Law 117–108) canceled
20 the unpaid Postal Service obligations under section
21 8909a of title 5, United States Code, thereby remov-
22 ing an essential basis of such final rules.

23 (5) Such final rules also did not adequately
24 take into account the benefit to the Postal Service’s
25 financial condition from the growth of its competi-

1 tive products and competitive revenues or other im-
2 provements in its financial condition during and fol-
3 lowing the Covid–19 pandemic.

4 **SEC. 2. POSTAL REGULATORY COMMISSION REVIEW AND**
5 **MODIFICATION OF MARKET-DOMINANT RATE-**
6 **MAKING SYSTEM RULES.**

7 (a) REVIEW.—Not later than 90 days after the date
8 of enactment of this Act, the Commission shall, pursuant
9 to subsection (d)(3) of section 3622 of title 39, United
10 States Code, and subject to the requirements, terms, and
11 conditions of such section, conduct a review of the market-
12 dominant ratemaking system in effect immediately prior
13 to the adoption of Commission Order Number 5763 to de-
14 termine whether such system can achieve the objectives
15 of subsection (b) of such section 3622, taking into account
16 the factors in subsection (c) of such section.

17 (b) RULES CARRYING OUT SYSTEM.—Not later than
18 1 year after the date of enactment of this Act—

19 (1) if under the review conducted in subsection
20 (a) the Commission determines that such system re-
21 quires modified rules or alternative rules to achieve
22 such objectives, the Commission shall issue such pro-
23 posed final rules as are necessary to carry out such
24 system; or

1 (2) if under the review conducted in subsection
2 (a) the Commission determines that such system
3 does not require modified rules or alternative rules
4 to achieve such objectives, the Commission shall
5 issue such proposed final rules as are necessary to
6 carry out such system.

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