

(2) TREATMENT OF COMPLAINTS NOT TIMELY ACTED ON.—For purposes of section 3663, any complaint under subsection (a) on which the Commission fails to act in the time and manner required by paragraph (1) shall be treated in the same way as if it had been dismissed pursuant to an order issued by the Commission on the last day allowable for the issuance of such order under paragraph (1).

(c) ACTION REQUIRED IF COMPLAINT FOUND TO BE JUSTIFIED.—If the Postal Regulatory Commission finds the complaint to be justified, it shall order that the Postal Service take such action as the Commission considers appropriate in order to achieve compliance with the applicable requirements and to remedy the effects of any noncompliance (such as ordering unlawful rates to be adjusted to lawful levels, ordering the cancellation of market tests, ordering the Postal Service to discontinue providing loss-making products, or requiring the Postal Service to make up for revenue shortfalls in competitive products).

(d) AUTHORITY TO ORDER FINES IN CASES OF DELIBERATE NONCOMPLIANCE.—In addition, in cases of deliberate noncompliance by the Postal Service with the requirements of this title, the Postal Regulatory Commission may order, based on the nature, circumstances, extent, and seriousness of the noncompliance, a fine (in the amount specified by the Commission in its order) for each incidence of noncompliance. Fines resulting from the provision of competitive products shall be paid from the Competitive Products Fund established in section 2011. All receipts from fines imposed under this subsection shall be deposited in the general fund of the Treasury of the United States.

(Added Pub. L. 109-435, title II, §205, Dec. 20, 2006, 120 Stat. 3216.)

PRIOR PROVISIONS

A prior section 3662, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 764, related to rate and service complaints, prior to repeal by Pub. L. 109-435, title II, §205, Dec. 20, 2006, 120 Stat. 3216.

§ 3663. Appellate review

A person, including the Postal Service, adversely affected or aggrieved by a final order or decision of the Postal Regulatory Commission may, within 30 days after such order or decision becomes final, institute proceedings for review thereof by filing a petition in the United States Court of Appeals for the District of Columbia. The court shall review the order or decision in accordance with section 706 of title 5, and chapter 158 and section 2112 of title 28, on the basis of the record before the Commission.

(Added Pub. L. 109-435, title II, §205, Dec. 20, 2006, 120 Stat. 3217.)

PRIOR PROVISIONS

A prior section 3663, added Pub. L. 105-277, div. A, §101(h) [title VI, §648(a)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-527, related to annual report on international services, prior to repeal by Pub. L. 109-435, title II, §205, Dec. 20, 2006, 120 Stat. 3216.

§ 3664. Enforcement of orders

The several district courts have jurisdiction specifically to enforce, and to enjoin and re-

strain the Postal Service from violating, any order issued by the Postal Regulatory Commission.

(Added Pub. L. 109-435, title II, §205, Dec. 20, 2006, 120 Stat. 3217.)

SUBCHAPTER VI—GENERAL

AMENDMENTS

2006—Pub. L. 109-435, title II, §204(a)(2), Dec. 20, 2006, 120 Stat. 3210, redesignated subchapter V of this chapter as this subchapter.

§ 3681. Reimbursement

No mailer may be reimbursed for any amount paid under any rate or fee which, after such payment, is determined to have been unlawful after proceedings in accordance with the provisions of sections 3662 through 3664 of this title, or is superseded by a lower rate or fee established under subchapter II of this chapter.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 764; Pub. L. 109-435, title X, §1010(a), Dec. 20, 2006, 120 Stat. 3261.)

AMENDMENTS

2006—Pub. L. 109-435 substituted “sections 3662 through 3664” for “section 3628”.

EFFECTIVE DATE

Subchapter effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 3682. Size and weight limits

The Postal Service may establish size and weight limitations for mail matter in the market-dominant category of mail consistent with regulations the Postal Regulatory Commission may prescribe under section 3622. The Postal Service may establish size and weight limitations for mail matter in the competitive category of mail consistent with its authority under section 3632.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765; Pub. L. 96-70, title I, §1331(e)(4), Sept. 27, 1979, 93 Stat. 482; Pub. L. 97-242, §1(a), Aug. 24, 1982, 96 Stat. 300; Pub. L. 109-435, title X, §1010(b), Dec. 20, 2006, 120 Stat. 3261.)

AMENDMENTS

2006—Pub. L. 109-435 amended section generally. Prior to amendment, section read as follows: “The Postal Service may establish size and weight limitations for mail matter in the same manner as prescribed for changes in mail classification under subchapter II of this chapter.”

1982—Pub. L. 97-242 struck out subsecs. (a) and (b) and designation “(c)” before “The Postal Service” and in resulting undesignated paragraph substituted “mail matter” and “mail classification” for “letter mail” and “classification”, respectively. Former subsecs. (a) and (b) had provided that the maximum weight of mail other than letter mail was 40 pounds, that the maximum size was 78 inches in girth and length combined before July 1, 1971, and 84 inches in girth and length combined on and after July 1, 1971, and that the maximum size on mail, other than letter mail, was 100 inches in girth and length combined and the maximum weight was 70 pounds if the mail (1) was mailed at, or addressed for delivery at, other than first-class post of-