

(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-

fices or on rural or star routes, (2) contained baby fowl, live plants, trees, shrubs, or agricultural commodities but not the manufactured products of those commodities, (3) would have been entitled to be mailed under former section 4554 of this title, (4) was addressed to or mailed at any Armed Forces post office outside the 50 States, or (5) was addressed to or mailed in the Commonwealth of Puerto Rico, the States of Alaska and Hawaii, or a possession of the United States including the Trust Territory of the Pacific Islands.

1979—Subsec. (b)(5). Pub. L. 96-70 struck out “the Canal Zone and” after “United States including”.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 1(b) of Pub. L. 97-242 provided that: “The size and weight limitations for other than letter mail established by subsections (a) and (b) of section 3682 of title 39, United States Code, as in effect on the day prior to the effective date of this section [Aug. 24, 1982], shall remain in effect until changed pursuant to section 3682 of such title, as amended, by subsection (a) of this section.”

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

### § 3683. Uniform rates for books; films; other materials

(a) Notwithstanding any other provision of this title, the rates of postage established for mail matter enumerated in former section 4554 of this title shall be uniform for such mail of the same weight, and shall not vary with the distance transported.

(b) The rates of postage under former section 4554(b)(1) of this title shall not be effective except with respect to mailings which—

- (1) constitute materials specified in former section 4554(b)(2) of this title; and
- (2) are sent between—

(A) an institution, organization, or association listed in subparagraph (A) or (B) of such former section 4554(b)(1) and any other such institution, organization, or association;

(B) an institution, organization, or association referred to in subparagraph (A) and any individual (other than an individual having a financial interest in the sale, promotion, or distribution of the materials involved);

(C) an institution, organization, or association referred to in subparagraph (A) and a qualified nonprofit organization (as defined in former section 4452(d) of this title) that is not such an institution, organization, or association; or

(D) an institution, organization, or association referred to in subparagraph (A) and a publisher, if such institution, organization, or association has placed an order to purchase such materials for delivery to such institution, organization, or association.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765; Pub. L. 94-421, §12, Sept. 24, 1976, 90 Stat. 1312; Pub. L. 103-123, title VII, §706(a), Oct. 28, 1993, 107 Stat. 1272.)

#### REFERENCES IN TEXT

Former sections 4452 and 4554 of this title, referred to in text, mean sections 4452 and 4554 of former Title 39,

The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

#### AMENDMENTS

1993—Subsec. (b). Pub. L. 103-123 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The rates for mail matter specified in former section 4554(a)(1) or 4554(b)(2)(A) of this title, when mailed from a publisher or a distributor to a school, college, university, or library, shall be the rate currently in effect for such mail matter under the provisions of former section 4554(b)(1) of this title.”

1976—Pub. L. 94-421 designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 1993 AMENDMENT

Section 706(b) of Pub. L. 103-123 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to mail sent after September 30, 1993.”

### § 3684. Limitations

Except as provided in section 3627 of this title, no provision of this chapter shall be construed to give authority to the Governors to make any change in any provision of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 765; Pub. L. 99-410, title II, §201(b)(4), Aug. 28, 1986, 100 Stat. 929; Pub. L. 109-435, title X, §1010(f), Dec. 20, 2006, 120 Stat. 3262.)

#### AMENDMENTS

2006—Pub. L. 109-435 substituted “of this title” for “of section 3682 or 3683 or chapter 30, 32, or 34 of this title”.

1986—Pub. L. 99-410 struck out “, or of the Federal Voting Assistance Act of 1955” after “or 34 of this title”.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-410 applicable with respect to elections taking place after Dec. 31, 1987, see section 204 of Pub. L. 99-410, set out as an Effective Date note under section 1973ff of Title 42, The Public Health and Welfare.

### § 3685. Filing of information relating to periodical publications

(a) Each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service at least once a year, and shall publish in such publication once a year, information in such form and detail and at such time as the Postal Service may require with respect to—

(1) the identity of the editor, managing editor, publishers, and owners;

(2) the identity of the corporation and stockholders thereof, if the publication is owned by a corporation;

(3) the identity of known bondholders, mortgagees, and other security holders;

(4) the extent and nature of the circulation of the publication, including, but not limited to, the number of copies distributed, the methods of distribution, and the extent to which such circulation is paid in whole or in part; and

(5) such other information as the Postal Service may deem necessary to determine whether the publication meets the standards for periodical publication mail privileges.