

Calendar No. 561

115TH CONGRESS
2D SESSION

S. 1204

[Report No. 115–329]

To authorize the United States Postal Service to carry out emergency suspensions of post offices in accordance with certain procedures, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 23, 2017

Mrs. McCASKILL (for herself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 4, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize the United States Postal Service to carry out emergency suspensions of post offices in accordance with certain procedures, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Post Office Discontinu-
3 ance Accountability Act of 2017”.

4 **SEC. 2. EMERGENCY SUSPENSIONS OF POST OFFICES.**

5 Section 404 of title 39, United States Code, is
6 amended by adding at the end the following:

7 “(f) EMERGENCY SUSPENSIONS.—

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

9 “(A) the terms ‘alternate service’ and
10 ‘temporary location’ include a location at which
11 customers affected by an emergency suspension
12 may send and receive mail, which may include
13 the provision and regular servicing of a Cluster
14 Box Unit (commonly known as a ‘CBU’) by the
15 Postal Service;

16 “(B) the term ‘discontinuance’ means a
17 closing or consolidation;

18 “(C) the term ‘discontinuance procedures’
19 means the procedures required for the dis-
20 continuance of a post office under subsection
21 (d) and any regulations promulgated under that
22 subsection;

23 “(D) the term ‘discontinue’ means close or
24 consolidate;

25 “(E) the term ‘emergency suspension’
26 means the temporary discontinuance of a post

office, without following discontinuance procedures for the post office, because of—

“(i) a natural disaster;

“(ii) the early, sudden, or unexpected termination of a lease or rental agreement by the lessor when suitable alternate quarters are not immediately available in the same community;

“(iii) lack of qualified personnel to operate the post office;

“(iv) severe or irreparable damage to, or destruction of, the post office when suitable alternate quarters are not immediately available in the community;

“(v) a challenge to the sanctity of the mail; or

“(vi) a lack of adequate measures to safeguard the post office or its revenues; and

“(F) the term ‘post office’—

“(i) means a Post Office, as that term is defined in section 241.1 of title 39, Code of Federal Regulations, or any successor regulation; and

1 “(ii) does not include a post office
2 branch or station.

3 ~~“(2) AUTHORITY.—~~A District Manager may
4 implement an emergency suspension of a post office
5 in accordance with the requirements under para-
6 graphs ~~(3)~~ through ~~(7)~~.

7 ~~“(3) NOTIFICATION.—~~If a District Manager im-
8 plements an emergency suspension of a post office,
9 the District Manager shall provide immediate notice
10 of the suspension to—

11 ~~“(A) the Headquarters Review Coordinator~~
12 ~~or the Field Performance office;~~

13 ~~“(B) local officials of the Postal Service,~~
14 ~~including—~~

15 ~~“(i) all direct reports to the District~~
16 ~~Manager;~~

17 ~~“(ii) the Vice President, Area Oper-~~
18 ~~ations;~~

19 ~~“(iii) State and national postmaster~~
20 ~~organizations;~~

21 ~~“(iv) relevant local transportation and~~
22 ~~logistics officials of the Postal Service;~~

23 ~~“(v) accounting services of the Postal~~
24 ~~Service and Postmaster accounts;~~

1 “(vi) each upstream Processing and
2 Distributions Center responsible for proe-
3 essing mail to and from the relevant post
4 office;

5 “(vii) the Address Management divi-
6 sion of the Postal Service;

7 “(viii) the Shared Human Resources
8 Center of the Postal Service;

9 “(ix) the Discontinuance Coordinator
10 of the Postal Service;

11 “(x) the Facilities Service Office of
12 the Postal Service;

13 “(xi) local political officials;

14 “(xii) the Vice President, Facilities;
15 and

16 “(xiii) the Customer Relationship
17 Manager; and

18 “(C) customers, notification to whom shall
19 include—

20 “(i) the effective date of the suspen-
21 sion;

22 “(ii) the reason for the suspension;

23 “(iii) any alternate service available;
24 including how to request curbside delivery;

1 “(iv) the nearest post offices and
2 hours of service; and

3 “(v) the name, telephone number, and
4 email address of an individual to contact
5 for more information.

6 ~~“(4) ALTERNATE SERVICE.—~~

7 ~~“(A) IN GENERAL.—~~If a District Manager
8 implements an emergency suspension of a post
9 office, the District Manager shall establish al-
10 ternate service as quickly as possible.

11 ~~“(B) DETERMINATION TO DISCONTINUE.—~~
12 If the Postal Service appears likely to make a
13 determination under subsection (a)(3) to dis-
14 continue a post office that is under an emer-
15 gency suspension, the District Manager shall
16 make every effort to provide the alternate serv-
17 ice under subparagraph (A) of this paragraph
18 that is most likely to be recommended in the
19 determination to discontinue the post office.

20 ~~“(5) EMPLOYEE REASSIGNMENT.—~~If a District
21 Manager implements an emergency suspension of a
22 post office, the District Manager shall temporarily
23 reassign each employee of the post office in accord-
24 ance with each applicable statute, regulation, and
25 collective bargaining agreement.

1 “(6) SUSPENSION REVIEW TEAM.—

2 “(A) IN GENERAL.—Not later than 10
3 days after the date on which a District Man-
4 ager implements an emergency suspension of a
5 post office, the District Manager shall form a
6 suspension review team to review the decision to
7 implement the emergency suspension.

8 “(B) MEMBERS.—The members of a sus-
9 pension review team shall include—

10 “(i) the Discontinuance Coordinator;

11 “(ii) the Manager of Post Office Op-
12 erations or a designee;

13 “(iii) a representative from the Facil-
14 ity Services Office; and

15 “(iv) in the case of the suspension of
16 a post office staffed by a postmaster, State
17 presidents of each postmaster organization
18 or their designees.

19 “(C) DECISIONS.—All decisions of the sus-
20 pension review team shall be by an affirmative
21 vote of a majority of the members of the sus-
22 pension review team.

23 “(D) SITE VISIT.—The suspension review
24 team for a post office shall conduct a site visit
25 to the post office.

“(E) RECOMMENDATION.—

“(i) IN GENERAL.—Not later than 10 business days after the site visit under subparagraph (D), the suspension review team shall notify the District Manager and the Vice President, Delivery Operations of its recommendation to—

“(I) continue the emergency suspension; or

“(H) reopen the post office.

“(ii) POSTMASTER ORGANIZATIONS.—

In the case of the suspension of a post office staffed by a postmaster, the suspension review team shall also notify the national postmaster organizations of its recommendation under clause (i).

“(F) CONTINUED SUSPENSION.—

“(i) IN GENERAL.—If the suspension review team recommends under subparagraph (E) that the emergency suspension of a post office continue, the District Manager shall—

“(I) not later than 10 days after being notified of that recommenda-

tion; initiate discontinuance procedures for the post office; or

“(H) not later than 30 days after being notified of that recommendation; publish and submit to the Vice President, Delivery Operations, a plan of action to restore service to the affected community—

“(aa) within a reasonable period of time; and

“(bb) in any event, not later than 180 days after the date on which the emergency suspension was implemented.

“(ii) DELAY IN RESTORATION OF SERVICE.—If a District Manager publishes and submits a plan of action to restore service to an affected community under clause (i)(H) and service to the affected community is not restored within 180 days of the date on which the emergency suspension was implemented, the District Manager shall—

“(I)(aa) publish notice of the delay, including—

1 “(AA) a reason for the
2 delay; and

3 “(BB) an anticipated date
4 of restoration of service; and

5 “(bb) not later than 10 days
6 after publishing the notice, host a live,
7 in-person question-and-answer forum
8 in the affected community; or

9 “(H) initiate discontinuance pro-
10 cedures for the post office.

11 “(iii) FURTHER DELAYS IN RESTORA-
12 TION OF SERVICE.—Upon the expiration of
13 each 30-day period after the date that is
14 180 days after the date on which the emer-
15 gency suspension of a post office was im-
16 plemented, if service has not been restored
17 to the affected community, the District
18 Manager shall publish an updated notice of
19 the delay that includes the anticipated date
20 of restoration of service.

21 “(iv) 1-YEAR DELAY.—If 1 year has
22 elapsed since the implementation of an
23 emergency suspension of a post office and
24 service has not been restored to the af-
25 fected community, the District Manager—

1 “(I) shall host—

2 “(aa) a second live, in-per-
3 son question-and-answer forum
4 in the affected community; and

5 “(bb) additional live, in-per-
6 son question-and-answer fora in
7 the affected community every
8 subsequent 180 days until—

9 “(AA) service is re-
10 stored; or

11 “(BB) the District
12 Manager initiates dis-
13 continuance procedures for
14 the post office; and

15 “(H) if no alternate services are
16 located within 10 miles of the post of-
17 fice, not later than 60 days after the
18 date that is 1 year after the date on
19 which the emergency suspension was
20 implemented, shall develop and pub-
21 lish a plan to establish a temporary
22 location from which to provide service
23 within 10 miles of the suspended facil-
24 ity.

1 “(G) REOPENING OF POST OFFICE.—If the
2 suspension review team recommends under sub-
3 paragraph (E) that a post office be reopened—

4 “(i) not later than 5 business days
5 after the date on which the suspension re-
6 view team provides notice of the rec-
7 ommendation under clause (i) of that sub-
8 paragraph, the District Manager shall re-
9 open the post office; and

10 “(ii) the Inspector General shall con-
11 duct an investigation to determine the le-
12 gitimacy of the concerns that resulted in
13 the emergency suspension.

14 “(7) RESTORATION OF SERVICE.—Upon res-
15 toration of service under paragraph (6)(F) or the re-
16 opening of a post office under paragraph (6)(G), the
17 District Manager shall immediately notify—

18 “(A) the affected community;

19 “(B) the Headquarters Review Coordi-
20 nator; and

21 “(C) the local Facilities Database Coordi-
22 nator.

23 “(8) LEASE OR RENTAL AGREEMENT EXPIRA-
24 TION.—

25 “(A) IN GENERAL.—

1 “(i) PROHIBITION ON EMERGENCY
2 SUSPENSIONS.—A District Manager may
3 not implement an emergency suspension of
4 a post office based on the expiration of the
5 lease or rental agreement for the post of-
6 fice.

7 “(ii) ALTERNATIVE PROCESS.—The
8 Postal Service may establish an alternative
9 process for the suspension of postal serv-
10 ices to a community based on the expira-
11 tion of a lease or rental agreement for a
12 post office in accordance with subpara-
13 graphs (B) through (I) of this paragraph.

14 “(B) PREPARATION FOR EXPIRATION.—
15 Before the expiration of a lease or rental agree-
16 ment for a post office, the District Manager
17 shall—

18 “(i) initiate or attempt to initiate ne-
19 gotiations for an extension of the lease or
20 rental agreement, or sale of the property to
21 the Postal Service, with a sufficient
22 amount of time, which shall be not less
23 than 18 months, to allow for the likely
24 completion of negotiations before the expi-
25 ration of the lease or rental agreement; or

1 “(ii) initiate discontinuance proce-
 2 dures for the post office with a sufficient
 3 amount of time, which shall be not less
 4 than 18 months, to allow for likely comple-
 5 tion of the procedures before the expiration
 6 of the lease or rental agreement.

7 “(C) DISCONTINUANCE.—If the District
 8 Manager does not initiate or attempt to initiate
 9 negotiations described in subparagraph (B)(i)
 10 with a sufficient amount of time (as defined in
 11 that subparagraph) to allow for likely comple-
 12 tion of negotiations before the expiration of the
 13 lease or rental agreement, discontinuance proce-
 14 dures may not be initiated for the post office
 15 earlier than the date that is 3 years after the
 16 date on which the lease or rental agreement ex-
 17 pires.

18 “(D) FAILURE TO REACH AGREEMENT.—
 19 If, as of 30 days before the expiration of a lease
 20 or rental agreement for a post office, the Dis-
 21 trict Manager has not reached an agreement
 22 with the lessor to extend the lease or rental
 23 agreement or to sell the property to the Postal
 24 Service, the District Manager shall—

1 “(i) notify the affected community of
2 a possible disruption in service due to the
3 possible expiration of the lease or rental
4 agreement; and

5 “(ii) include in the notification under
6 clause (i)—

7 “(I) the expiration date of the
8 lease or rental agreement;

9 “(II) alternate services available
10 if the lease or rental agreement ex-
11 pires, including how to request
12 curbside delivery;

13 “(III) the nearest post offices
14 and hours of service; and

15 “(IV) the name, telephone num-
16 ber, and email address of an indi-
17 vidual to contact for more informa-
18 tion.

19 “(E) NEW LEASE OR RENTAL AGREE-
20 MENT.—Not later than 30 days after the date
21 on which a lease or rental agreement for a post
22 office expires, the District Manager shall make
23 best efforts to enter into a new lease or rental
24 agreement for a post office in, or within a rea-
25 sonable distance of, the community in which the

1 post office that was the subject of the expired
2 lease or rental agreement is located.

3 ~~“(F) FAILURE TO ENTER INTO NEW LEASE~~
4 ~~OR RENTAL AGREEMENT.—If, within 30 days~~
5 ~~after the expiration of a lease or rental agree-~~
6 ~~ment for a post office, the District Manager is~~
7 ~~unable to execute a new lease or rental agree-~~
8 ~~ment at the same location or another location~~
9 ~~within the affected community, the District~~
10 ~~Manager shall—~~

11 ~~“(i) publish notice of intent to submit~~
12 ~~to the Vice President, Delivery Operations~~
13 ~~a plan of action to restore service to the~~
14 ~~affected community—~~

15 ~~“(I) within a reasonable period of~~
16 ~~time; and~~

17 ~~“(II) in any event, not later than~~
18 ~~180 days after the date on which the~~
19 ~~lease or rental agreement expired; or~~

20 ~~“(ii) if no suitable alternate quarters~~
21 ~~are available in the community—~~

22 ~~“(I) publish notice of intent to~~
23 ~~initiate discontinuance procedures for~~
24 ~~the post office; and~~

1 “(H) initiate discontinuance pro-
2 cedures:

3 “(G) ~~DELAY IN RESTORATION OF SERV-~~
4 ~~ICE.~~—If a District Manager publishes and sub-
5 mits a plan of action to restore service to an af-
6 fected community under subparagraph (F)(i)
7 and service to the affected community is not re-
8 stored within 180 days of the date on which the
9 lease or rental agreement for the post office ex-
10 pired, the District Manager shall—

11 “(i)(I) publish notice of the delay, in-
12 cluding—

13 “(aa) a reason for the delay; and

14 “(bb) an anticipated date of res-
15 toration of service; and

16 “(ii) not later than 10 days after pub-
17 lishing the notice, host a live, in-person
18 question-and-answer forum in the affected
19 community.

20 “(H) ~~FURTHER DELAYS IN RESTORATION~~
21 ~~OF SERVICE.~~—Upon the expiration of each 30-
22 day period after the date on which the District
23 Manager publishes notice under subparagraph
24 (G)(i), if service has not been restored to the
25 affected community, the District Manager shall

1 publish an updated notice of the delay that in-
 2 cludes the anticipated date of restoration of
 3 service.

4 “(I) 1-YEAR DELAY.—If service to the af-
 5 fected community is not restored within 1 year
 6 of the date on which the lease or rental agree-
 7 ment for the post office expired, the District
 8 Manager—

9 “(i) shall host—

10 “(I) a second live, in-person
 11 question-and-answer forum in the af-
 12 fected community; and

13 “(II) additional live, in-person
 14 question-and-answer fora in the af-
 15 fected community every subsequent
 16 180 days until—

17 “(aa) service is restored; or

18 “(bb) the District Manager
 19 initiates discontinuance proce-
 20 dures for the post office; and

21 “(ii) if no alternate services are lo-
 22 cated within 10 miles of the post office;
 23 not later than 60 days after the date that
 24 is 1 year after the date on which the lease
 25 or rental agreement for the post office ex-

1 pired, shall develop and publish a plan to
 2 establish a temporary location from which
 3 to provide service within 10 miles of the
 4 post office.

5 “(9) DELEGATION.—A District Manager may
 6 delegate any authority or responsibility under this
 7 subsection except under paragraph (2), (4)(B), or
 8 (6)(A).”

9 “(10) APPLICABILITY.—This subsection shall
 10 apply to any emergency suspension of a post office
 11 that is implemented on or after the date of enact-
 12 ment of the Post Office Discontinuance Account-
 13 ability Act of 2017.”

14 **SECTION 1. SHORT TITLE.**

15 *This Act may be cited as the “Post Office Discontin-*
 16 *uance Accountability Act of 2018”.*

17 **SEC. 2. EMERGENCY SUSPENSIONS OF POST OFFICES.**

18 *Section 404(d) of title 39, United States Code, is*
 19 *amended by adding at the end the following:*

20 “(7)(A) *The Postal Service may temporarily suspend*
 21 *operations at a post office if the Postal Service follows the*
 22 *procedures set forth in subchapter 61 of Postal Service*
 23 *Handbook PO–101.*

24 “(B) *If the lease or rental agreement for a post office*
 25 *expires, and the Postal Service does not reasonably expect*

1 *to reach a new lease or rental agreement, the Postal Service*
 2 *shall notify affected customers of the possible suspension of*
 3 *the post office in accordance with section 613.3 of Postal*
 4 *Service Handbook PO–101.*

5 “(C) *If a post office has been suspended for not less*
 6 *than 1 year, any person served by the post office may file*
 7 *an appeal with the Postal Regulatory Commission. On re-*
 8 *view, the Commission may consider the suspension to be*
 9 *an action that is subject to the procedures required under*
 10 *paragraphs (1) through (6) unless—*

11 “(i) *the Postal Service demonstrates that—*

12 “(I) *the need for a suspension under sub-*
 13 *chapter 61 of Postal Service Handbook PO–101*
 14 *continues to exist; and*

15 “(II) *the Postal Service is complying with*
 16 *the applicable procedures under subchapter 61 of*
 17 *Postal Service Handbook PO–101; or*

18 “(ii) *the Commission has already established a*
 19 *process for resolving the suspension of the post office.*

20 “(D) *If the Postal Service demonstrates the need for*
 21 *a continued suspension under subparagraph (C)(i), the*
 22 *Postal Service shall—*

23 “(i) *conduct a community meeting to—*

24 “(I) *explain the circumstances of the sus-*
 25 *pension and obtain customer opinion about al-*

1 *ternate service in a manner similar to the com-*
 2 *munity meeting described in part 714 of Postal*
 3 *Service Handbook PO–101; and*

4 *“(II) present the plan of action to restore*
 5 *service required under part 618 of Postal Service*
 6 *Handbook PO–101; and*

7 *“(ii) periodically update the affected community*
 8 *if service is not restored in accordance with the plan*
 9 *described in clause (i)(II) of this subparagraph.*

10 *“(E) The Postal Service shall consult with the Postal*
 11 *Regulatory Commission in making any changes to suspen-*
 12 *sion procedures in Postal Service Handbook PO–101.*

13 *“(F) In this paragraph—*

14 *“(i) the term ‘Postal Service Handbook PO–101’*
 15 *means the document titled ‘Postal Service-Operated*
 16 *Retail Facilities Discontinuance Guide’ (Handbook*
 17 *PO–101), published by the Postal Service in October*
 18 *2012, or any appropriate successor to that document;*
 19 *and*

20 *“(ii) a reference to a provision of Postal Service*
 21 *Handbook PO–101 shall be deemed to include any ap-*
 22 *propriate successor to that provision.”.*

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