

114TH CONGRESS
2D SESSION

S. 3452

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

SEPTEMBER 28, 2016

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

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post Office Discontin-

5 ance Accountability Act of 2016”.

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

7 Section 404 of title 39, United States Code, is

8 amended by adding at the end the following:

9 “(f) EMERGENCY SUSPENSIONS.—

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

2 “(A) the terms ‘alternate service’ and
3 ‘temporary location’ include a location at which
4 customers affected by an emergency suspension
5 may send and receive mail, which may include
6 the provision and regular servicing of a Cluster
7 Box Unit (commonly known as a ‘CBU’) by the
8 Postal Service;

9 “(B) the term ‘discontinuance’ means a
10 closing or consolidation;

11 “(C) the term ‘discontinuance procedures’
12 means the procedures required for the dis-
13 continuance of a post office under subsection
14 (d) and any regulations promulgated under that
15 subsection;

16 “(D) the term ‘discontinue’ means close or
17 consolidate;

18 “(E) the term ‘emergency suspension’
19 means the temporary discontinuance of a post
20 office, without following discontinuance proce-
21 dures for the post office, because of—

22 “(i) a natural disaster;

23 “(ii) the early, sudden, or unexpected
24 termination of a lease or rental agreement
25 by the lessor when suitable alternate quar-

1 ters are not immediately available in the
2 same community;

3 “(iii) lack of qualified personnel to op-
4 erate the post office;

5 “(iv) severe or irreparable damage to,
6 or destruction of, the post office when suit-
7 able alternate quarters are not immediately
8 available in the community;

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

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

14 “(F) the term ‘post office’—

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

19 “(ii) does not include a post office
20 branch or station.

21 “(2) AUTHORITY.—A District Manager may
22 implement an emergency suspension of a post office
23 in accordance with the requirements under para-
24 graphs (3) through (7).

1 “(3) NOTIFICATION.—If a District Manager im-
2 plements an emergency suspension of a post office,
3 the District Manager shall provide immediate notice
4 of the suspension to—

5 “(A) the Headquarters Review Coordinator
6 or the Field Performance office;

7 “(B) local officials of the Postal Service,
8 including—

9 “(i) all direct reports to the District
10 Manager;

11 “(ii) the Vice President, Area Oper-
12 ations;

13 “(iii) State and national postmaster
14 organizations;

15 “(iv) relevant local transportation and
16 logistics officials of the Postal Service;

17 “(v) accounting services of the Postal
18 Service and Postmaster accounts;

19 “(vi) each upstream Processing and
20 Distributions Center responsible for proc-
21 essing mail to and from the relevant post
22 office;

23 “(vii) the Address Management divi-
24 sion of the Postal Service;

1 “(viii) the Shared Human Resources
2 Center of the Postal Service;

3 “(ix) the Discontinuance Coordinator
4 of the Postal Service;

5 “(x) the Facilities Service Office of
6 the Postal Service;

7 “(xi) local political officials;

8 “(xii) the Vice President, Facilities;
9 and

10 “(xiii) the Customer Relationship
11 Manager; and

12 “(C) customers, notification to whom shall
13 include—

14 “(i) the effective date of the suspen-
15 sion;

16 “(ii) the reason for the suspension;

17 “(iii) any alternate service available,
18 including how to request curbside delivery;

19 “(iv) the nearest post offices and
20 hours of service; and

21 “(v) the name, telephone number, and
22 email address of an individual to contact
23 for more information.

24 “(4) ALTERNATE SERVICE.—

1 “(A) IN GENERAL.—If a District Manager
2 implements an emergency suspension of a post
3 office, the District Manager shall establish al-
4 ternate service as quickly as possible.

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

14 “(5) EMPLOYEE REASSIGNMENT.—If a District
15 Manager implements an emergency suspension of a
16 post office, the District Manager shall temporarily
17 reassign each employee of the post office in accord-
18 ance with each applicable statute, regulation, and
19 collective bargaining agreement.

20 “(6) SUSPENSION REVIEW TEAM.—

21 “(A) IN GENERAL.—Not later than 10
22 days after the date on which a District Man-
23 ager implements an emergency suspension of a
24 post office, the District Manager shall form a

1 suspension review team to review the decision to
2 implement the emergency suspension.

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

5 “(i) the Discontinuance Coordinator;

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

8 “(iii) a representative from the Facil-
9 ity Services Office; and

10 “(iv) in the case of the suspension of
11 a post office staffed by a postmaster, State
12 presidents of each postmaster organization
13 or their designees.

14 “(C) DECISIONS.—All decisions of the sus-
15 pension review team shall be by an affirmative
16 vote of a majority of the members of the sus-
17 pension review team.

18 “(D) SITE VISIT.—The suspension review
19 team for a post office shall conduct a site visit
20 to the post office.

21 “(E) RECOMMENDATION.—

22 “(i) IN GENERAL.—Not later than 10
23 business days after the site visit under
24 subparagraph (D), the suspension review
25 team shall notify the District Manager and

1 the Vice President, Delivery Operations, of
2 its recommendation to—

3 “(I) continue the emergency sus-
4 pension; or

5 “(II) reopen the post office.

6 “(ii) POSTMASTER ORGANIZATIONS.—

7 In the case of the suspension of a post of-
8 fice staffed by a postmaster, the suspen-
9 sion review team shall also notify the na-
10 tional postmaster organizations of its rec-
11 ommendation under clause (i).

12 “(F) CONTINUED SUSPENSION.—

13 “(i) IN GENERAL.—If the suspension
14 review team recommends under subpara-
15 graph (E) that the emergency suspension
16 of a post office continue, the District Man-
17 ager shall—

18 “(I) not later than 10 days after
19 being notified of that recommenda-
20 tion, initiate discontinuance proce-
21 dures for the post office; or

22 “(II) not later than 30 days after
23 being notified of that recommenda-
24 tion, publish and submit to the Vice
25 President, Delivery Operations, a plan

1 of action to restore service to the af-
2 fected community—

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

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

9 “(ii) DELAY IN RESTORATION OF
10 SERVICE.—If a District Manager publishes
11 and submits a plan of action to restore
12 service to an affected community under
13 clause (i)(II) and service to the affected
14 community is not restored within 180 days
15 of the date on which the emergency sus-
16 pension was implemented, the District
17 Manager shall—

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

20 “(AA) a reason for the
21 delay; and

22 “(BB) an anticipated date
23 of restoration of service; and

24 “(bb) not later than 10 days
25 after publishing the notice, host a live,

1 in-person question-and-answer forum
2 in the affected community; or

3 “(II) initiate discontinuance pro-
4 cedures for the post office.

5 “(iii) FURTHER DELAYS IN RESTORA-
6 TION OF SERVICE.—Upon the expiration of
7 each 30-day period after the date that is
8 180 days after the date on which the emer-
9 gency suspension of a post office was im-
10 plemented, if service has not been restored
11 to the affected community, the District
12 Manager shall publish an updated notice of
13 the delay that includes the anticipated date
14 of restoration of service.

15 “(iv) 1-YEAR DELAY.—If 1 year has
16 elapsed since the implementation of an
17 emergency suspension of a post office and
18 service has not been restored to the af-
19 fected community, the District Manager—

20 “(I) shall host—

21 “(aa) a second live, in-per-
22 son question-and-answer forum
23 in the affected community; and

24 “(bb) additional live, in-per-
25 son question-and-answer fora in

1 the affected community every
2 subsequent 180 days until—

3 “(AA) service is re-
4 stored; or

5 “(BB) the District
6 Manager initiates dis-
7 continuance procedures for
8 the post office; and

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

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

22 “(i) not later than 5 business days
23 after the date on which the suspension re-
24 view team provides notice of the rec-
25 ommendation under clause (i) of that sub-

1 paragraph, the District Manager shall re-
2 open the post office; and

3 “(ii) the Inspector General shall con-
4 duct an investigation to determine the le-
5 gitimacy of the concerns that resulted in
6 the emergency suspension.

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

11 “(A) the affected community;

12 “(B) the Headquarters Review Coordi-
13 nator; and

14 “(C) the local Facilities Database Coordi-
15 nator.

16 “(8) LEASE OR RENTAL AGREEMENT EXPIRA-
17 TION.—

18 “(A) IN GENERAL.—

19 “(i) PROHIBITION ON EMERGENCY
20 SUSPENSIONS.—A District Manager may
21 not implement an emergency suspension of
22 a post office based on the expiration of the
23 lease or rental agreement for the post of-
24 fice.

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

8 “(B) PREPARATION FOR EXPIRATION.—
9 Before the expiration of a lease or rental agree-
10 ment for a post office, the District Manager
11 shall—

12 “(i) initiate or attempt to initiate ne-
13 gotiations for an extension of the lease or
14 rental agreement, or sale of the property to
15 the Postal Service, with a sufficient
16 amount of time, which shall be not less
17 than 18 months, to allow for the likely
18 completion of negotiations before the expi-
19 ration of the lease or rental agreement; or

20 “(ii) initiate discontinuance proce-
21 dures for the post office with a sufficient
22 amount of time, which shall be not less
23 than 18 months, to allow for likely comple-
24 tion of the procedures before the expiration
25 of the lease or rental agreement.

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

12 “(D) FAILURE TO REACH AGREEMENT.—
13 If, as of 30 days before the expiration of a lease
14 or rental agreement for a post office, the Dis-
15 trict Manager has not reached an agreement
16 with the lessor or renter to extend the lease or
17 rental agreement or to sell the property to the
18 Postal Service, the District Manager shall—

19 “(i) notify the affected community of
20 a possible disruption in service due to the
21 possible expiration of the lease or rental
22 agreement; and

23 “(ii) include in the notification under
24 clause (i)—

1 “(I) the expiration date of the
2 lease or rental agreement;

3 “(II) alternate services available
4 if the lease or rental agreement ex-
5 pires, including how to request
6 curbside delivery;

7 “(III) the nearest post offices
8 and hours of service; and

9 “(IV) the name, telephone num-
10 ber, and email address of an indi-
11 vidual to contact for more informa-
12 tion.

13 “(E) NEW LEASE OR RENTAL AGREE-
14 MENT.—Not later than 30 days after the date
15 on which a lease or rental agreement for a post
16 office expires, the District Manager shall make
17 best efforts to enter into a new lease or rental
18 agreement for a post office in, or within a rea-
19 sonable distance of, the community in which the
20 post office that was the subject of the expired
21 lease or rental agreement is located.

22 “(F) FAILURE TO ENTER INTO NEW LEASE
23 OR RENTAL AGREEMENT.—If, within 30 days
24 after the expiration of a lease or rental agree-
25 ment for a post office, the District Manager is

1 unable to execute a new lease or rental agree-
2 ment at the same location or another location
3 within the affected community, the District
4 Manager shall—

5 “(i) publish notice of intent to submit
6 to the Vice President, Delivery Operations,
7 a plan of action to restore service to the
8 affected community—

9 “(I) within a reasonable period of
10 time; and

11 “(II) in any event, not later than
12 180 days after the date on which the
13 lease or rental agreement expired; or

14 “(ii) if no suitable alternate quarters
15 are available in the community—

16 “(I) publish notice of intent to
17 initiate discontinuance procedures for
18 the post office; and

19 “(II) initiate discontinuance pro-
20 cedures.

21 “(G) DELAY IN RESTORATION OF SERV-
22 ICE.—If a District Manager publishes and sub-
23 mits a plan of action to restore service to an af-
24 fected community under subparagraph (F)(i)
25 and service to the affected community is not re-

1 stored within 180 days of the date on which the
2 lease or rental agreement for the post office ex-
3 pired, the District Manager shall—

4 “(i)(I) publish notice of the delay, in-
5 cluding—

6 “(aa) a reason for the delay; and

7 “(bb) an anticipated date of res-
8 toration of service; and

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

13 “(H) FURTHER DELAYS IN RESTORATION
14 OF SERVICE.—Upon the expiration of each 30-
15 day period after the date on which the District
16 Manager publishes notice under subparagraph
17 (G)(i), if service has not been restored to the
18 affected community, the District Manager shall
19 publish an updated notice of the delay that in-
20 cludes the anticipated date of restoration of
21 service.

22 “(I) 1-YEAR DELAY.—If service to the af-
23 fected community is not restored within 1 year
24 of the date on which the lease or rental agree-

1 ment for the post office expired, the District
2 Manager—

3 “(i) shall host—

4 “(I) a second live, in-person
5 question-and-answer forum in the af-
6 fected community; and

7 “(II) additional live, in-person
8 question-and-answer fora in the af-
9 fected community every subsequent
10 180 days until—

11 “(aa) service is restored; or

12 “(bb) the District Manager
13 initiates discontinuance proce-
14 dures for the post office; and

15 “(ii) if no alternate services are lo-
16 cated within 10 miles of the post office,
17 not later than 60 days after the date that
18 is 1 year after the date on which the lease
19 or rental agreement for the post office ex-
20 pired, shall develop and publish a plan to
21 establish a temporary location from which
22 to provide service within 10 miles of the
23 post office.

24 “(9) DELEGATION.—A District Manager may
25 delegate any authority or responsibility under this

1 subsection except under paragraph (2), (4)(B), or
2 (6)(A).

3 “(10) APPLICABILITY.—This subsection shall
4 apply to any emergency suspension of a post office
5 that is implemented on or after the date of enact-
6 ment of the Post Office Discontinuance Account-
7 ability Act of 2016.”.

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