

**Calendar No. 561**115<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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**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*]

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**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

1 office, without following discontinuance proce-  
2 dures for the post office, because of—

3 “(i) a natural disaster;

4 “(ii) the early, sudden, or unexpected  
5 termination of a lease or rental agreement  
6 by the lessor when suitable alternate quar-  
7 ters are not immediately available in the  
8 same community;

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

11 “(iv) severe or irreparable damage to,  
12 or destruction of, the post office when suit-  
13 able alternate quarters are not immediately  
14 available in the community;

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

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

20 “(F) the term ‘post office’—

21 “(i) means a Post Office, as that term  
22 is defined in section 241.1 of title 39, Code  
23 of Federal Regulations, or any successor  
24 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.

1 “(E) RECOMMENDATION.—

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

8 “(I) continue the emergency sus-  
9 pension; or

10 “(II) reopen the post office.

11 “(ii) POSTMASTER ORGANIZATIONS.—

12 In the case of the suspension of a post of-  
13 fice staffed by a postmaster, the suspen-  
14 sion review team shall also notify the na-  
15 tional postmaster organizations of its rec-  
16 ommendation under clause (i).

17 “(F) CONTINUED SUSPENSION.—

18 “(i) IN GENERAL.—If the suspension  
19 review team recommends under subpara-  
20 graph (E) that the emergency suspension  
21 of a post office continue, the District Man-  
22 ager shall—

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



1                   tion, initiate discontinuance proce-  
2                   dures for the post office; or

3                   “~~(H)~~ not later than 30 days after  
4                   being notified of that recommenda-  
5                   tion, publish and submit to the Vice  
6                   President, Delivery Operations, a plan  
7                   of action to restore service to the af-  
8                   fected community—

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

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

15                  “~~(ii)~~ ~~DELAY IN RESTORATION OF~~  
16                  ~~SERVICE.~~—If a District Manager publishes  
17                  and submits a plan of action to restore  
18                  service to an affected community under  
19                  clause ~~(i)(H)~~ and service to the affected  
20                  community is not restored within 180 days  
21                  of the date on which the emergency sus-  
22                  pension was implemented, the District  
23                  Manager shall—

24                  “~~(I)(aa)~~ publish notice of the  
25                  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—

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“(I) shall host—

“(aa) a second live, in-person question-and-answer forum in the affected community; and

“(bb) additional live, in-person question-and-answer fora in the affected community every subsequent 180 days until—

“(AA) service is restored; or

“(BB) the District Manager initiates discontinuance procedures for the post office; and

“(II) if no alternate services are located within 10 miles of the post office, not later than 60 days after the date that is 1 year after the date on which the emergency suspension was implemented, shall develop and publish a plan to establish a temporary location from which to provide service within 10 miles of the suspended facility.

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 re-  
7 commendation 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            *“(i) 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.”.*

Calendar No. 561

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1204**

[Report No. 115-329]

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Reported with an amendment