To improve, sustain, and transform the United States Postal Service.

IN THE SENATE OF THE UNITED STATES

November 2, 2011

Mr. Lieberman (for himself, Ms. Collins, Mr. Carper, and Mr. Brown of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve, sustain, and transform the United States Postal Service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “21st Century Postal Service Act of 2011”.

SEC. 2. TABLE OF CONTENTS.

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1 SEC. 3. DEFINITIONS.

2 In this Act, the following definitions shall apply:
(1) COMMISSION.—The term “Commission” means the Postal Regulatory Commission.

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service.

TITLE I—POSTAL WORKFORCE MATTERS

SEC. 101. TREATMENT OF SURPLUS CONTRIBUTIONS TO FEDERAL EMPLOYEES RETIREMENT SYSTEM.

Section 8423(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

“(5)(A) In this paragraph, the term ‘surplus postal contributions’ means the amount by which the amount computed under paragraph (1)(B) is less than zero.

“(B) For each fiscal year in which the amount computed under paragraph (1)(B) is less than zero, upon request of the Postmaster General, the Director shall transfer to the United States Postal Service from the Fund an amount equal to the surplus postal contributions for that fiscal year for use in accordance with this paragraph.

“(C) For each of fiscal years 2012, 2013, and 2014, if the amount computed under paragraph (1)(B) is less
than zero, a portion of the surplus postal contributions
for the fiscal year shall be used by the United States Post-
al Service for the cost of providing to employees of the
United States Postal Service who voluntarily separate
from service before October 1, 2014—

“(i) voluntary separation incentive payments
(including payments to employees who retire under
section 8336(d)(2) or 8414(b)(1)(B) before October
1, 2014) that may not exceed the maximum amount
provided under section 3523(b)(3)(B) for any em-
ployee; and

“(ii) retirement service credits, as authorized
under section 8332(p) or 8411(m).

“(D) Any surplus postal contributions for a fiscal
year not expended under subparagraph (C) may be used
by the United States Postal Service for the purposes of—

“(i) repaying any obligation issued under sec-
tion 2005 of title 39; or

“(ii) making required payments to—

“(I) the Employees’ Compensation Fund
established under section 8147;

“(II) the Postal Service Retiree Health
Benefits Fund established under section 8909a;

“(III) the Employees Health Benefits
Fund established under section 8909; or
“(IV) the Civil Service Retirement and Disability Fund.”.

SEC. 102. ADDITIONAL SERVICE CREDIT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(p)(1)(A) For an employee of the United States Postal Service who is covered under this subchapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 1 year (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this subchapter (except for a disability annuity under section 8337).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.
“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8348(h)(1)(A).”.

(b) Federal Employees Retirement System.—

Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(m)(1)(A) For an employee of the United States Postal Service who is covered under this chapter and voluntarily separates from service before October 1, 2014, at the direction of the United States Postal Service, the Office shall add not more than 2 years (as specified by the United States Postal Service) to the total creditable service of the employee for purposes of determining entitlement to and computing the amount of an annuity under this chapter (except for a disability annuity under subchapter V of that chapter).

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.

“(2)(A) Subject to subparagraph (B), and notwithstanding any other provision of law, no deduction, deposit, or contribution shall be required for service credited under this subsection.

“(B) An employee who receives additional creditable service under this paragraph may not receive a voluntary separation incentive payment from the United States Postal Service.
“(B) The actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from this subsection shall be included in the amount calculated under section 8423(b)(1)(B).”.

SEC. 103. MEDICARE COVERAGE FOR POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.

(a) FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—

(1) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

“§ 8903c. Postal Service Medicare eligible annuitants

“(a) DEFINITIONS.—In this section—

“(1) the term ‘contract year’ means a calendar year in which health benefits plans are administered under this chapter;

“(2) the term ‘Medicare part A’ means the Medicare program for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

“(3) the term ‘Medicare part B’ means the Medicare program for supplementary medical insurance benefits under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.); and
“(4) the term ‘Postal Service Medicare eligible annuitant’ means an individual who—

“(A) is an annuitant covered under this chapter whose Government contribution is paid by the Postal Service under section 8906(g)(2); and

“(B) is eligible to enroll in Medicare part A and Medicare part B.

“(b) REQUIREMENT OF MEDICARE ENROLLMENT.—

“(1) POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

“(A) IMMEDIATE APPLICATION.—An individual who is a Postal Service Medicare eligible annuitant on the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter, unless that individual enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act.

“(B) PROSPECTIVE APPLICATION.—An individual who becomes a Postal Service Medicare eligible annuitant after the date of enactment of the 21st Century Postal Service Act of 2011 may not continue coverage under this chapter,
unless after becoming eligible for Medicare part A and Medicare part B that individual enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p).

“(2) FAMILY MEMBERS OF POSTAL SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

“(A) FAMILY MEMBER IS MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who is eligible to enroll in Medicare part A and Medicare part B, may not continue coverage under this chapter, unless—

“(i) the family member enrolls in Medicare part A and Medicare part B during the special enrollment period established under section 1837(m) of the Social Security Act; or

“(ii) the individual enrolls for self only coverage under this chapter.
“(B) FAMILY MEMBER BECOMES MEDICARE ELIGIBLE.—An individual who, on the date of enactment of the 21st Century Postal Service Act of 2011, is a Postal Service Medicare eligible annuitant, is enrolled in self and family coverage under this chapter, and has a member of the family who becomes eligible to enroll in Medicare part A and Medicare part B after that date, may not continue coverage under this chapter, unless—

“(i) the family member enrolls in Medicare part A and Medicare part B during the applicable initial enrollment period under section 1837 of the Social Security Act (42 U.S.C. 1395p); or

“(ii) the individual enrolls for self only coverage under this chapter.

“(c) ENROLLMENT OPTIONS.—

“(1) ESTABLISHMENT.—For contract years following the date of enactment of the 21st Century Postal Service Act of 2011, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service Medicare eligible annuitants or family members of a Postal Service Medi-
care eligible annuitants who continue coverage under this chapter in accordance with subsection (b).

“(2) ENROLLMENT REQUIREMENT.—Any Postal Service Medicare eligible annuitant or family member of a Postal Service Medicare eligible annuitant who continues coverage under this chapter in accordance with subsection (b) may only enroll in 1 of the enrollment options established under paragraph (1).

“(3) VALUE OF COVERAGE.—The Office shall ensure that the aggregate actuarial value of coverage under the enrollment options established under this subsection, in combination with the value of coverage under Medicare part A and Medicare part B, shall be not less than the actuarial value of the most closely corresponding enrollment options available under section 8905.

“(4) ENROLLMENT OPTIONS.—

“(A) IN GENERAL.—The enrollment options established under paragraph (1) shall include—

“(i) an individual option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1);
“(ii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants subject to subsection (b)(2); and

“(iii) a self and family option, for Postal Service Medicare eligible annuitants subject to subsection (b)(1) and family members of Postal Service Medicare eligible annuitants, including family members not subject to subsection (b)(2).

“(B) Specific sub-options.—The Office may establish more specific enrollment options within the types of options described under subparagraph (A).

“(5) Reduced premiums to account for Medicare coordination.—In determining the premiums for the enrollment options under paragraph (4), the Office shall—

“(A) establish a separate claims pool for individuals eligible for coverage under those options; and

“(B) ensure that—
“(i) the premiums are reduced from the premiums otherwise established under this chapter to directly reflect the full cost savings to the health benefits plans due to the complete coordination of benefits with Medicare part A and Medicare part B for Postal Service Medicare eligible annuitants or family members of Postal Service Medicare eligible annuitants who continue coverage under this chapter; and

“(ii) the cost savings described under clause (i) result solely in the reduction of—

“(I) the premiums paid by the Postal Service Medicare eligible annuitant; and

“(II) the Government contributions paid by the Postal Service.

“(d) CONVERSION OF ENROLLMENT.—

“(1) IN GENERAL.—For any individual who enrolls in Medicare part A and Medicare part B in accordance with subsection (b) other than during the special enrollment period established under section 1837(m) of the Social Security Act, coverage under this chapter shall be converted to coverage under the
applicable enrollment option established under sub-
section (c) upon enrollment in Medicare part A and
Medicare part B.

“(2) NOTIFICATION.—The Office shall provide
reasonable advance notice to any Postal Service
Medicare eligible annuitant or family member of any
Postal Service Medicare eligible annuitant that such
annuitant or family member will become subject to
conversion of enrollment under paragraph (1).

“(e) POSTAL SERVICE CONSULTATION.—The Office
shall establish the enrollment options and premiums under
this section in consultation with the Postal Service.”.

(2) TECHNICAL AND CONFORMING AMEND-
MENTS.—The table of sections for chapter 89 of title
5, United States Code, is amended by inserting after
the item relating to section 8903b the following:

“8903c. Postal Service Medicare eligible annuitants.”.

(3) EFFECTIVE DATE.—The amendments made
by this subsection shall apply with respect to con-
tract years beginning 6 months following the date of
enactment of this Act.

(b) SPECIAL ENROLLMENT PERIOD FOR POSTAL
SERVICE MEDICARE ELIGIBLE ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—

(A) IN GENERAL.—Section 1837 of the So-
cial Security Act (42 U.S.C. 1395p) is amended
by adding at the end the following new subsection:

“(m)(1) In the case of any individual who is a Postal Service Medicare eligible annuitant (as defined in section 8903c(a) of title 5, United States Code) at the time the individual is entitled to part A under section 226(b) or section 226A and who is eligible to enroll but who has elected not to enroll (or to be deemed enrolled) during the individual’s initial enrollment period, there shall be a special enrollment period described in paragraph (2).

“(2) The special enrollment period described in this paragraph, with respect to an individual is the 6-month period, beginning on the first day of the month which includes the date of enactment of the 21st Century Postal Service Act of 2011.

“(3) In the case of an individual who enrolls during the special enrollment period provided under paragraph (1), the coverage period under this part shall begin on the first day of the month in which the individual enrolls.”.

(B) Effective date.—The amendment made by subparagraph (A) shall apply to elections made with respect to initial enrollment periods that end after the date of enactment of the 21st Century Postal Service Act of 2011.
(2) Waiver of increase of premium.—Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by striking “(i)(4) or (l)” and inserting “(i)(4), (l), or (m)”.

SEC. 104. RESTRUCTURING OF PAYMENTS FOR RETIREE HEALTH BENEFITS.

(a) Contributions.—Section 8906(g)(2)(A) of title 5, United States Code, is amended by striking “through September 30, 2016, be paid by the United States Postal Service, and thereafter shall” and inserting “after the date of enactment of the 21st Century Postal Service Act of 2011”.

(b) Postal Service Retiree Health Benefits Fund.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (2)(B)—

(i) by striking “2017” and inserting “2012”; and

(ii) by inserting after “later, of” the following: “80 percent of”; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iii), by adding “and” at the end;
(II) in clause (iv), by striking the
semicolon at the end and inserting a
period; and

(III) by striking clauses (v)
through (x); and

(ii) in subparagraph (B), by striking
“2017” and inserting “2012”; and

(2) by adding at the end the following:

“(e) Subsections (a) through (d) shall be subject to
section 105 of the 21st Century Postal Service Act of
2011.”.

SEC. 105. POSTAL SERVICE HEALTH BENEFITS PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the term “covered employee” means an em-
ployee of the Postal Service who is represented by a
bargaining representative recognized under section
1203 of title 39, United States Code;

(2) the term “Federal Employee Health Bene-
fits Program” means the health benefits program
under chapter 89 of title 5, United States Code; and

(3) the term “Postal Service Health Benefits
Program” means the health benefits program that
may be agreed to under subsection (b)(1).

(b) COLLECTIVE BARGAINING.—
(1) IN GENERAL.—Consistent with section 1005(f) of title 39, United States Code, the Postal Service may negotiate jointly with all bargaining representatives recognized under section 1203 of title 39, United States Code, and enter into a joint collective bargaining agreement with those bargaining representatives to establish the Postal Service Health Benefits Program that satisfies the conditions under subsection (c). The Postal Service and the bargaining representatives shall negotiate in consultation with the Director of the Office of Personnel Management.

(2) ARBITRATION LIMITATION.—Notwithstanding chapter 12 of title 39, United States Code, there shall not be arbitration of any dispute in the negotiations under this subsection.

(3) TIME LIMITATION.—The authority under this subsection shall extend until September 30, 2012.

(e) POSTAL SERVICE HEALTH BENEFITS PROGRAM.—The Postal Service Health Benefits Program—

(1) shall—

(A) be available for participation by all covered employees;
(B) provide adequate and appropriate health benefits;

(C) be administered by the Postmaster General; and

(D) provide for transition of coverage under the Federal Employee Health Benefits Program of covered employees to coverage under the Postal Service Health Benefits Program on January 1, 2013;

(2) may provide dental benefits; and

(3) may provide vision benefits.

(d) AGREEMENT AND IMPLEMENTATION.—If a joint agreement is reached under subsection (b)—

(1) the Postal Service shall implement the Postal Service Health Benefits Program;

(2) the Postal Service Health Benefits Program shall constitute an agreement between the collective bargaining representatives and the Postal Service for purposes of section 1005(f) of title 39, United States Code; and

(3) covered employees may not participate as employees in the Federal Employees Health Benefits Program.

(e) GOVERNMENT PLAN.—The Postal Service Health Benefits Program shall be a government plan as that term
is defined under section 3(32) of Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(32)).

(f) REPORT.—Not later than June 30, 2013, the Postal Service shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives that—

(1) reports on the implementation of this section; and

(2) requests any additional statutory authority that the Postal Service determines is necessary to carry out the purposes of this section.

SEC. 106. ARBITRATION; LABOR DISPUTES.

Section 1207(c)(2) of title 39, United States Code, is amended—

(1) by inserting “(A)” after “(2)”;

(2) by striking the last sentence and inserting “The arbitration board shall render a decision not later than 45 days after the date of its appointment.”; and

(3) by adding at the end the following:

“(B) In rendering a decision under this paragraph, the arbitration board shall consider such relevant factors as—
“(i) the financial condition of the Postal Service;

“(ii) the requirements relating to pay and compensation comparability under section 1003(a); and

“(iii) the policies of this title.”.

TITLE II—POSTAL SERVICES AND OPERATIONS

SEC. 201. POSTAL FACILITIES.

Section 404 of title 39, United States Code, is amended by adding after subsection (e) the following:

“(f) CLOSING OR CONSOLIDATION OF CERTAIN POSTAL FACILITIES.—

“(1) POSTAL FACILITY.—In this subsection, the term ‘postal facility’ does not include—

“(A) any post office, station, or branch; or

“(B) any facility used only for administrative functions.

“(2) AREA MAIL PROCESSING STUDY.—

“(A) NEW AREA MAIL PROCESSING STUDIES.—After the date of enactment of this subsection, before making a determination under subsection (a)(3) as to the necessity for the closing or consolidation of any postal facility, the Postal Service shall—
“(i) conduct an area mail processing study relating to that postal facility that includes a plan to reduce the capacity of the postal facility, but not close the postal facility;

“(ii) publish the study on the Postal Service website; and

“(iii) publish a notice that the study is complete and available to the public, including on the Postal Service website.

“(B) COMPLETED OR ONGOING AREA MAIL PROCESSING STUDIES.—

“(i) IN GENERAL.—In the case of a postal facility described in clause (ii), the Postal Service shall—

“(I) consider a plan to reduce the capacity of the postal facility, but not close the post facility; and

“(II) publish the results of the consideration under subclause (I) with or as an amendment to the area mail processing study relating to the postal facility.

“(ii) POSTAL FACILITIES.—A postal facility described in this clause is a postal
facility for which, on or before the date of enactment of this subsection—

“(I) an area mail processing study that does not include a plan to reduce the capacity of the postal facility, but not close the facility, has been completed or is in progress; and

“(II) a determination as to the necessity for the closing or consolidation of the postal facility has not been made.

“(3) NOTICE; PUBLIC COMMENT; AND PUBLIC HEARING.—If the Postal Service makes a determination under subsection (a)(3) to close or consolidate a postal facility, the Postal Service shall—

“(A) provide notice of the determination to—

“(i) Congress; and

“(ii) the Postal Regulatory Commission;

“(B) provide adequate public notice of the intention of the Postal Service to close or consolidate the postal facility;

“(C) ensure that interested persons have an opportunity to submit public comments dur-
ing a 45-day period after the notice of intention is provided under subparagraph (B);

“(D) before that 45-day period provide for public notice of that opportunity by—

“(i) publication on the Postal Service website;

“(ii) posting at the affected postal facility; and

“(iii) advertising the date and location of the public community meeting under subparagraph (E); and

“(E) during the 45-day period described under subparagraph (C), conduct a public community meeting that provides an opportunity for public comments to be submitted verbally or in writing.

“(4) FURTHER CONSIDERATIONS.—Not earlier than 30 days after the end of the 45-day period for public comment under paragraph (3), the Postal Service, in making a determination whether or not to close or consolidate a postal facility, shall consider—

“(A) the views presented by interested persons solicited under paragraph (3);
“(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closure or consolidation may have on a State, region, or locality;

“(C) the effect of the closing or consolidation on the travel times and distances for affected customers to access services under the proposed closing or consolidation;

“(D) the effect of the closing or consolidation on delivery times for all classes of mail;

“(E) any characteristics of certain geographical areas, such as remoteness, broadband internet availability, and weather-related obstacles to using alternative facilities, that may result in the closing or consolidation having a unique effect; and

“(F) any other factor the Postal Service determines is necessary.

“(5) JUSTIFICATION STATEMENT.—Before the date on which the Postal Service closes or consolidates a postal facility, the Postal Service shall post on the Postal Service website a closure or consolidation justification statement that includes—
“(A) a response to all public comments received with respect to the considerations described under paragraph (4);

“(B) a description of the considerations made by the Postal Service under paragraph (4); and

“(C) the actions that will be taken by the Postal Service to mitigate any negative effects identified under paragraph (4).

“(6) CLOSING OR CONSOLIDATION OF POSTAL FACILITIES.—

“(A) IN GENERAL.—Not earlier than the 15 days after posting and publishing the final determination and the justification statement under paragraph (6) with respect to a postal facility, the Postal Service may close or consolidate the postal facility.

“(B) ALTERNATIVE INTAKE OF MAIL.—If the Postal Service closes or consolidates a postal facility under subparagraph (A), the Postal Service shall make reasonable efforts to ensure continued mail receipt from customers of the closed or consolidated postal facility at the same location or at another appropriate location
in close geographic proximity to the closed or consolidated postal facility.

“(7) POSTAL SERVICE WEBSITE.—For purposes of any notice required to be published on the Postal Service website under this subsection, the Postal Service shall ensure that the Postal Service website—

“(A) is updated routinely; and

“(B) provides any person, at the option of the person, the opportunity to receive relevant updates by electronic mail.”.

SEC. 202. ADDITIONAL POSTAL SERVICE PLANNING.

Section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note) is amended—

(1) in paragraph (8), by striking the period at the end and inserting “; and”;

(2) by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively, and adjusting the margins accordingly;

(3) in the matter preceding subparagraph (A), as so redesignated, by striking “shall include” and inserting the following: “shall—

“(1) include”; and

(4) by adding at the end the following:
“(2) where possible, provide for an improvement in customer access to postal services;

“(3) consider the impact of any decisions by the Postal Service relating to the implementation of the plan on small communities and rural areas; and

“(4) ensure that—

“(A) small communities and rural areas continue to receive regular and effective access to retail postal services after implementation of the plan; and

“(B) the Postal Service solicits community input in accordance with applicable provisions of Federal law.”.

SEC. 203. AREA AND DISTRICT OFFICE STRUCTURE.

(a) PLAN REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Governmental Reform of the House of Representatives—

(1) a comprehensive strategic plan to govern decisions relating to area and district office structure that considers efficiency, costs, redundancies, mail volume, technological advancements, operational considerations, and other issues that may be
relevant to establishing an effective area and district office structure; and

(2) a 10-year plan, including a timetable, that provides for consolidation of area and district offices wherever the Postal Service determines a consolidation would—

(A) be cost-effective; and

(B) not substantially and adversely affect the operations of the Postal Service.

(b) CONSOLIDATION.—Beginning not later than 1 year after the date of enactment of this Act, the Postal Service shall, consistent with the plans required under subsection (a)—

(1) consolidate district offices that are located within 50 miles of each other;

(2) consolidate area and district offices that have less than the mean mail volume and number of work hours for all area and district offices; and

(3) relocate area offices to headquarters.

(c) UPDATES.—The Postal Service shall update the plans required under subsection (a) not less frequently than once every 5 years.

SEC. 204. RETAIL SERVICE STANDARDS.

(a) ESTABLISHMENT OF SERVICE STANDARDS.—Not later than 1 year after the date of enactment of this Act,
the Postal Service shall exercise its authority under section 3691 of title 39, United States Code, to establish service standards for market-dominant products in order to guarantee customers of the Postal Service regular and effective access to retail postal services nationwide (including in territories and possessions of the United States) on a reasonable basis.

(b) CONTENTS.—The service standards established under subsection (a) shall—

(1) be consistent with—

(A) the obligations of the Postal Service under section 101(b) of title 39, United States Code; and

(B) the contents of the plan developed under section 302 of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note), as amended by section 202 of this Act; and

(2) take into account factors including—

(A) geography, including the establishment of standards for the proximity of retail postal services to postal customers, including a consideration of the reasonable maximum time a postal customer should expect to travel to access a postal retail location;
(B) population, including population density, demographic factors such as the age and disability status of individuals in the area to be served by a location providing postal retail services, and other factors that may impact the ability of postal customers, including businesses, to travel to a postal retail location;

(C) the feasibility of offering retail access to postal services in addition to post offices, as described in section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note); and

(D) the requirement that the Postal Service serve remote areas and communities with transportation challenges, including communities in which the effects of inclement weather or other natural conditions might obstruct or otherwise impede access to retail postal services.

SEC. 205. CONVERSION OF DOOR DELIVERY POINTS.

(a) In General.—Subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:
§3692. Conversion of door delivery points

(a) Definitions.—In this section, the following definitions shall apply:

(1) Centralized delivery point.—The term ‘centralized delivery point’ means a group or cluster of mail receptacles at 1 delivery point that is within reasonable proximity of the street address associated with the delivery point.

(2) Curbline delivery point.—The term ‘curbline delivery point’ means a delivery point that is—

(A) adjacent to the street address associated with the delivery point; and

(B) accessible by vehicle on a street that is not a private driveway.

(3) Door delivery point.—The term ‘door delivery point’ means a delivery point at a door of the structure at a street address.

(4) Sidewalk delivery point.—The term ‘sidewalk delivery point’ means a delivery point on a sidewalk adjacent to the street address associated with the delivery point.

(b) Conversion.—Except as provided in subsection (c), not later than September 30, 2015, in accordance with standards established by the Postal Service, the Postal
Service may, where feasible, convert door delivery points to—

“(1) curbline delivery points;
“(2) sidewalk delivery points; or
“(3) centralized delivery points.

“(c) EXCEPTIONS.—
“(1) CONTINUED DOOR DELIVERY.—The Postal Service may allow for the continuation of door delivery due to—

“(A) a physical hardship of a customer;
“(B) weather, in a geographic area where snow removal efforts could obstruct access to mailboxes near a road;
“(C) circumstances in an urban area that preclude efficient use of curbside delivery points;
“(D) other exceptional circumstances, as determined in accordance with regulations issued by the Postal Service; or
“(E) other circumstances in which the Postal Service determines that alternatives to door delivery would not be practical or cost effective.

“(2) NEW DOOR DELIVERY POINTS.—The Postal Service may provide door delivery to a new deliv-
ery point in a delivery area that received door delivery on the day before the date of enactment of this section, if the delivery point is established before the delivery area is converted from door delivery under subsection (b).

“(d) SOLICITATION OF COMMENTS.—The Postal Service shall establish procedures to solicit, consider, and respond to input from individuals affected by a conversion under this section.

“(e) REVIEW.—Subchapter V of this chapter shall not apply with respect to any action taken by the Postal Service under this section.

“(f) REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2015, the Postal Service shall submit to Congress and the Inspector General of the Postal Service a report on the implementation of this section during the preceding fiscal year that—

“(1) includes the number of door delivery points—

“(A) that existed at the end of the fiscal year preceding the preceding fiscal year;

“(B) that existed at the end of the preceding fiscal year;

“(C) that, during the preceding fiscal year, converted to—
“(i) curbside delivery points or sidewalk delivery points;

“(ii) centralized delivery points; and

“(iii) any other type of delivery point;

and

“(D) for which door delivery was continued under subsection (c)(1);

“(2) estimates the cost savings from the conversions from door delivery that occurred during the preceding fiscal year;

“(3) describes the progress of the Postal Service toward achieving the requirements under subsection (b); and

“(4) provides such additional information as the Postal Service considers appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter VII of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“3692. Conversion of door delivery points.”.

SEC. 206. LIMITATIONS ON CHANGES TO MAIL DELIVERY SCHEDULE.

(a) LIMITATION ON CHANGE IN SCHEDULE.—Notwithstanding any other provision of law—

(1) the Postal Service may not establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal
Service under section 3691 of title 39, United States Code, earlier than the date that is 24 months after the date of enactment of this Act; and

(2) on or after the date that is 24 months after the date of enactment of this Act, the Postal Service may establish a general, nationwide 5-day-per-week delivery schedule to street addresses under the authority of the Postal Service under section 3691 of title 39, United States Code, only in accordance with the requirements and limitations under this section.

(b) Preconditions.—If the Postal Service intends to establish a change in delivery schedule under subsection (a)(2), the Postal Service shall—

(1) identify customers and communities for whom the change may have a disproportionate, negative impact, including the customers identified as “particularly affected” in the Advisory Opinion on Elimination of Saturday Delivery issued by the Commission on March 24, 2011;

(2) develop, to the maximum extent possible, measures to ameliorate any disproportionate, negative impact the change would have on customers and communities identified under paragraph (1), including, where appropriate, providing or expanding ac-
cess to mailboxes for periodical mailers on days on which the Postal Service does not provide delivery;

(3) implement measures to increase revenue and reduce costs, including the measures authorized under the amendments made by sections 101, 102, 103, 104, 204, and 208 of this Act;

(4) evaluate whether any increase in revenue or reduction in costs resulting from the measures implemented under paragraph (3) are sufficient to allow the Postal Service, without implementing a change in delivery schedule under subsection (a), to—

(A) become profitable by fiscal year 2015; and

(B) achieve long-term financial solvency; and

(5) not earlier than 15 months after the date of enactment of this Act and not later than 9 months before the effective date proposed by the Postal Service for the change, submit a report on the steps the Postal Service has taken to carry out this subsection to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate and the
Committee on Oversight and Government Reform of the House of Representatives;

(B) the Comptroller General of the United States; and

(C) the Commission.

(c) REVIEW.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.— Not later than 3 months after the date on which the Postal Service submits a report under subsection (b)(5), the Comptroller General shall submit to the Commission and to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report that contains findings relating to each of the following:

(A) Whether the Postal Service has adequately complied with subsection (b)(3), taking into consideration the statutory authority of and limitations on the Postal Service.

(B) The accuracy of any statement by the Postal Service that the measures implemented under subsection (b)(3) have increased revenues or reduced costs, and the accuracy of any projection by the Postal Service relating to increased revenue or reduced costs resulting from
the measures implemented under subsection (b)(3).

(C) The adequacy and methodological soundness of any evaluation conducted by the Postal Service under subsection (b)(4) that led the Postal Service to assert the necessity of a change in delivery schedule under subsection (a)(2).

(D) Whether, based on an analysis of the measures implemented by the Postal Service to increase revenues and reduce costs, projections of increased revenue and cost savings, and the details of the profitability plan required under section 401, a change in delivery schedule is necessary to allow the Postal Service to—

(i) become profitable by fiscal year 2015; and

(ii) achieve long-term financial solvency.

(2) POSTAL REGULATORY COMMISSION.—

(A) REQUEST.—Not later than 6 months before the proposed effective date of a change in delivery schedule under subsection (a), the Postal Service shall submit to the Commission
a request for an advisory opinion relating to the change.

(B) ADVISORY OPINION.—

(i) IN GENERAL.—The Commission shall—

(I) issue an advisory opinion with respect to a request under subparagraph (A), in accordance with the time limits for the issuance of advisory opinions under section 3661(b)(2) of title 39, United States Code, as amended by this Act; and

(II) submit the advisory opinion to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(ii) REQUIRED DETERMINATIONS.—

An advisory opinion under clause (i) shall determine—

(I) whether the measures developed under subsection (b)(2) ameliorate any disproportionate, negative impact that a change in schedule may
have on customers and communities identified under subsection (b)(1); and

(II) based on the report submitted by the Comptroller General under paragraph (1)—

(aa) whether the Postal Service has implemented measures to reduce operating losses as required under subsection (b)(3);

(bb) whether the implementation of the measures described in item (aa) has increased revenues or reduced costs, or is projected to further increase revenues or reduce costs in the future; and

(cc) whether a change in schedule under subsection (a)(2) is necessary to allow the Postal Service to—

(AA) become profitable by fiscal year 2015; and

(BB) achieve long-term financial solvency.
(3) Prohibition on implementation of change in schedule.—The Postal Service may not implement a change in delivery schedule under subsection (a)(2)—

(A) before the date on which the Comptroller General submits the report required under paragraph (1); and

(B) unless the Commission determines under paragraph (2)(B)(ii)(II)(cc) that the Comptroller General has concluded that the change is necessary to allow the Postal Service to become profitable by fiscal year 2015 and to achieve long-term financial solvency, without regard to whether the Commission determines that the change is advisable.

(d) Additional limitations.—

(1) Rules of construction.—Nothing in this subsection shall be construed to—

(A) authorize the reduction, or require an increase, in delivery frequency for any route for which the Postal Service provided delivery on fewer than 6 days per week on the date of enactment of this Act;

(B) authorize any change in—
(i) the days and times that postal retail service or any mail acceptance is available; or

(ii) the locations at which postal retail service or mail acceptance occurs;

(C) authorize any change in the frequency of delivery to a post office box;

(D) prohibit the collection or delivery of a competitive mail product on a weekend or a recognized Federal holiday; or

(E) prohibit the Postal Service from exercising its authority to make changes to processing or retail networks.

(2) Prohibition on consecutive days without mail delivery.—The Postal Service shall ensure that, under any change in schedule under subsection (a)(2), at no time shall there be more than 2 consecutive days without mail delivery to street addresses, including recognized Federal holidays.

SEC. 207. TIME LIMITS FOR CONSIDERATION OF SERVICE CHANGES.

Section 3661 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:
“(b) PROPOSED CHANGES FOR MARKET-DOMINANT PRODUCTS.—

“(1) SUBMISSION OF PROPOSAL.—If the Postal Service determines that there should be a change in the nature of postal services relating to market-dominant products that will generally affect service on a nationwide or substantially nationwide basis, the Postal Service shall submit a proposal to the Postal Regulatory Commission requesting an advisory opinion on the change.

“(2) ADVISORY OPINION.—Upon receipt of a proposal under paragraph (1), the Postal Regulatory Commission shall—

“(A) provide an opportunity for public comment on the proposal; and

“(B) issue an advisory opinion not later than—

“(i) 90 days after the date on which the Postal Regulatory Commission receives the proposal; or

“(ii) a date that the Postal Regulatory Commission and the Postal Service may, not later than 1 week after the date on which the Postal Regulatory Commis-
sion receives the proposal, determine jointly.

“(3) RESPONSE TO OPINION.—The Postal Serv-

ice shall submit to the President and to Congress a

response to the advisory opinion issued under para-

graph (2), including any recommendations contained

therein.

“(4) ACTION ON PROPOSAL.—The Postal Serv-

ice may take action regarding a proposal submitted

under paragraph (1)—

“(A) on or after the date that is 30 days

after the date on which the Postal Service sub-

mits the response required under paragraph

(3);

“(B) on or after a date that the Postal

Regulatory Commission and the Postal Service

may, not later than 1 week after the date on

which the Postal Regulatory Commission re-

ceives a proposal under paragraph (2), deter-

mine jointly; or

“(C) after the date described in paragraph

(2)(B), if—

“(i) the Postal Regulatory Commis-

sion fails to issue an advisory opinion on
or before the date described in paragraph (2)(B); and
“(ii) the action is not otherwise prohibited under Federal law.
“(5) MODIFICATION OF TIMELINE.—At any time, the Postal Service and the Postal Regulatory Commission may jointly redetermine a date determined under paragraph (2)(B)(ii) or (4)(B).”.

SEC. 208. PUBLIC PROCEDURES FOR SIGNIFICANT CHANGES TO MAILING SPECIFICATIONS.

(a) NOTICE AND OPPORTUNITY FOR COMMENT REQUIRED.—Effective on the date on which the Postal Service issues a final rule under subsection (c), before making a change to mailing specifications that could pose a significant burden to the customers of the Postal Service and that is not reviewed by the Commission, the Postal Service shall—

(1) publish a notice of the proposed change to the specification in the Federal Register;

(2) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days;

(3) after considering any comments submitted under paragraph (2) and making any modifications
to the proposed change that the Postal Service determines are necessary, publish—

(A) the final change to the specification in the Federal Register;

(B) responses to any comments submitted under paragraph (2); and

(C) an analysis of the financial impact that the proposed change would have on—

(i) the Postal Service; and

(ii) the customers of the Postal Service that would be affected by the proposed change; and

(4) establish an effective date for the change to mailing specifications that is not earlier than 30 days after the date on which the Postal Service publishes the final change under paragraph (3).

(b) EXCEPTION FOR GOOD CAUSE.—If the Postal Service determines that there is an urgent and compelling need for a change to a mailing specification described in subsection (a) in order to avoid demonstrable harm to the operations of the Postal Service or to the public interest, the Postal Service may—

(1) change the mailing specifications by—

(A) issuing an interim final rule that—
(i) includes a finding by the Postal Service that there is good cause for the interim final rule;

(ii) provides an opportunity for the submission of written comments on the interim final rule for a period of not less than 30 days; and

(iii) establishes an effective date for the interim final rule that is not earlier than 30 days after the date on which the interim final rule is issued; and

(B) publishing in the Federal Register a response to any comments submitted under subparagraph (A)(ii); and

(2) waive the requirement under paragraph (1)(A)(iii) or subsection (a)(4).

(c) Rules Relating to Notice and Comment.—

(1) In General.—Not later than 180 days after the date of enactment of this Act, the Postal Service shall issue rules governing the provision of notice and opportunity for comment for changes in mailing specifications under subsection (a).

(2) Rules.—In issuing the rules required under paragraph (1), the Postal Service shall—
(A) publish a notice of proposed rule-making in the Federal Register that includes proposed definitions of the terms “mailing specifications” and “significant burden”;  

(B) provide an opportunity for the submission of written comments concerning the proposed change for a period of not less than 30 days; and  

(C) publish—  

(i) the rule in final form in the Federal Register; and  

(ii) responses to the comments submitted under subparagraph (B).

SEC. 209. NONPOSTAL PRODUCTS AND SERVICES.

(a) In General.—Section 404 of title 39, United States Code, is amended—  

(1) in subsection (a)—  

(A) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and  

(B) by inserting after paragraph (5) the following:  

“(6) after the date of enactment of the 21st Century Postal Service Act of 2011, and except as provided in subsection (e), to provide other services
that are not postal services, after the Postal Regulatory Commission—

“(A) makes a determination that the provision of such services—

“(i) uses the processing, transportation, delivery, retail network, or technology of the Postal Service;

“(ii) is consistent with the public interest and a demonstrated or potential public demand for—

“(I) the Postal Service to provide the services instead of another entity providing the services; or

“(II) the Postal Service to provide the services in addition to another entity providing the services;

“(iii) would not create unfair competition with the private sector; and

“(iv) has the potential to improve the net financial position of the Postal Service, based on a market analysis provided to the Postal Regulatory Commission by the Postal Service; and

“(B) for services that the Postal Regulatory Commission determines meet the criteria
under subparagraph (A), classifies each such service as a market-dominant product, competitive product, experimental product, or new product, as required under chapter 36 of title 39, United States Code;”; and

(2) in subsection (e)(2), by striking “Nothing” and all that follows through “except that the” and inserting “The”.

(b) Market Analysis.—During the 5-year period beginning on the date of enactment of this Act, the Postal Service shall submit a copy of any market analysis provided to the Commission under section 404(a)(6)(A)(iv) of title 39, United States Code, as amended by this section, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

TITLE III—FEDERAL EMPLOYEES’ COMPENSATION ACT

SEC. 301. SHORT TITLE; REFERENCES.

(a) Short Title.—This title may be cited as the “Workers’ Compensation Reform Act of 2011”.

(b) References.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal
of, a section or other provision, the reference shall be con-
idered to be made to a section or other provision of title
5, United States Code.

SEC. 302. FEDERAL WORKERS COMPENSATION REFORMS

FOR RETIREMENT-AGE EMPLOYEES.

(a) CONVERSION OF ENTITLEMENT AT RETIREMENT

AGE.—

(1) DEFINITIONS.—Section 8101 is amended

(A) in paragraph (18), by striking “and”

at the end;

(B) in paragraph (19), by striking “and”

at the end;

(C) in paragraph (20), by striking the pe-

period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(21) ‘retirement age’ has the meaning given

that term under section 216(l)(1) of the Social Secu-

rity Act (42 U.S.C. 416(l)(1));

“(22) ‘covered claim for total disability’ means

a claim for a period of total disability that com-

menced before the date of enactment of the Work-

ers’ Compensation Reform Act of 2011;

“(23) ‘covered claim for partial disability’

means a claim for a period of partial disability that
commenced before the date of enactment of the
Workers' Compensation Reform Act of 2011; and

“(24) ‘individual who has an exempt disability
condition’ means an individual—

“(A) who—

“(i) is eligible to receive continuous
periodic compensation for total disability
under section 8105 on the date of enact-
ment of the Workers’ Compensation Re-
form Act of 2011; and

“(ii) meets the criteria under 8105(e);

“(B) who, on the date of enactment of the
Workers’ Compensation Reform Act of 2011—

“(i) is eligible to receive continuous
periodic compensation for total disability
under section 8105; and

“(ii) has sustained a currently irre-
versible severe mental or physical disability
for which the Secretary of Labor has au-
thorized, for at least the 1 year period end-
ing on the date of enactment of the Work-
ers’ Compensation Reform Act of 2011,
constant in-home care or custodial care,
such as in placement in a nursing home; or
“(C) who is eligible to receive continuous periodic compensation for total disability under section 8105—

“(i) for not less than the 3-year period ending on the date of enactment of the Workers’ Compensation Reform Act of 2011; or

“(ii) if the individual became eligible to receive continuous periodic compensation for total disability under section 8105 during the period beginning on the date that is 3 years before the date of enactment of the Workers’ Compensation Reform Act of 2011 and ending on such date of enactment, for not less than the 3-year period beginning on the date on which the individual became eligible.”.

(2) Total disability.—Section 8105 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsection (b) as subsection (c); and
(C) by inserting after subsection (a) the following:

“(b) Conversion of Entitlement at Retirement Age.—

“(1) In general.—Except as provided in paragraph (2), the basic compensation for total disability for an employee who has attained retirement age shall be 50 percent of the monthly pay of the employee.

“(2) Exceptions.—

“(A) Covered recipients who are retirement age or have an exempt disability condition.—Paragraph (1) shall not apply to a covered claim for total disability by an employee if the employee—

“(i) on the date of enactment of the Workers’ Compensation Reform Act of 2011, has attained retirement age; or

“(ii) is an individual who has an exempt disability condition.

“(B) Transition period for certain employees.—For a covered claim for total disability by an employee who is not an employee described in subparagraph (A), the employee shall receive the basic compensation for total
disability provided under subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.”.

(3) **PARTIAL DISABILITY.**—Section 8106 is amended—

(A) in subsection (a), by striking “If” and inserting “IN GENERAL.—Subject to subsection (b), if”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

“(b) **CONVERSION OF ENTITLEMENT AT RETIREMENT AGE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the basic compensation for partial disability for an employee who has attained retirement age shall be 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability.
“(2) EXCEPTIONS.—

“(A) COVERED RECIPIENTS WHO ARE RETIREMENT AGE.—Paragraph (1) shall not apply to a covered claim for partial disability by an employee if, on the date of enactment of the Workers’ Compensation Reform Act of 2011, the employee has attained retirement age.

“(B) TRANSITION PERIOD FOR CERTAIN EMPLOYEES.—For a covered claim for partial disability by an employee who is not an employee described in subparagraph (A), the employee shall receive basic compensation for partial disability in accordance with subsection (a) until the later of—

“(i) the date on which the employee attains retirement age; and

“(ii) the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.”.

SEC. 303. AUGMENTED COMPENSATION FOR DEPENDENTS.

(a) IN GENERAL.—Section 8110 is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

...
“(b) Termination of Augmented Compensation.—

“(1) In general.—Subject to paragraph (2), augmented compensation for dependants under subsection (c) shall not be provided.

“(2) Exceptions.—

“(A) Total disability.—For a covered claim for total disability by an employee—

“(i) the employee shall receive augmented compensation under subsection (c) if the employee is an individual who has an exempt disability condition; and

“(ii) the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011 if the employee is not an employee described in clause (i).

“(B) Partial disability.—For a covered claim for partial disability by an employee, the employee shall receive augmented compensation under subsection (c) until the date that is 3 years after the date of enactment of the Workers’ Compensation Reform Act of 2011.
“(C) PERMANENT DISABILITY COMPENSATED BY A SCHEDULE.—For a claim for a permanent disability described in section 8107(a) by an employee that commenced before the date of enactment of the Workers’ Compensation Reform Act of 2011, the employee shall receive augmented compensation under subsection (c).”.

(b) MAXIMUM AND MINIMUM MONTHLY PAYMENTS.—Section 8112 is amended—

(1) in subsection (a)—

(A) by inserting “subsections (b) and (c) and” before “section 8138”;  

(B) by striking “including augmented compensation under section 8110 of this title but”;

and

(C) by striking “75 percent” each place it appears and inserting “66 2⁄3 percent”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) EXCEPTIONS.—

“(1) COVERED DISABILITY CONDITION.—For a covered claim for total disability by an employee, if
the employee is an individual who has an exempt
disability condition—

“(A) the monthly rate of compensation for
disability that is subject to the maximum and
minimum monthly amounts under subsection
(a) shall include any augmented compensation
under section 8110; and

“(B) subsection (a) shall be applied by
substituting ‘75 percent’ for ‘66 2⁄3 percent’
each place it appears.

“(2) PARTIAL DISABILITY.—For a covered
claim for partial disability by an employee, until the
date that is 3 years after the date of enactment of
the Workers’ Compensation Reform Act of 2011—

“(A) the monthly rate of compensation for
disability that is subject to the maximum and
minimum monthly amounts under subsection
(a) shall include any augmented compensation
under section 8110; and

“(B) subsection (a) shall be applied by
substituting ‘75 percent’ for ‘66 2⁄3 percent’
each place it appears.”; and

(4) in subsection (e), as redesignated by para-
graph (2), by striking “subsection (a)” and inserting
“subsections (a) and (b)”.
(c) DEATH BENEFITS GENERALLY.—Section 8133 is amended—

(1) in subsections (a) and (e), by striking “75 percent” each place it appears and inserting “66\(\frac{2}{3}\) percent (except as provided in subsection (g))”; and

(2) by adding at the end the following:

“(g) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2011, subsections (a) and (e) shall be applied by substituting ‘75 percent’ for ‘66\(\frac{2}{3}\) percent’ each place it appears.”.

(d) DEATH BENEFITS FOR CIVIL AIR PATROL VOLUNTEERS.—Section 8141 is amended—

(1) in subsection (b)(2)(B) by striking “75 percent” and inserting “66\(\frac{2}{3}\) percent (except as provided in subsection (e))”;

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

“(c) If the death occurred before the date of enactment of the Workers’ Compensation Reform Act of 2011, subsection (b)(2)(B) shall be applied by substituting ‘75 percent’ for ‘66\(\frac{2}{3}\) percent’.”.

SEC. 304. SCHEDULE COMPENSATION PAYMENTS.

Section 8107 is amended—
(1) in subsection (a), by striking “at the rate of 66 2/3 percent of his monthly pay” and inserting “at the rate specified under subsection (d)”; and

(2) by adding at the end the following:

“(d) RATE FOR COMPENSATION.—

“(1) ANNUAL SALARY.—

“(A) IN GENERAL.—Except as provided in paragraph (2), the rate under subsection (a) shall be the rate of 662/3 percent of the annual salary level established under subparagraph (B), in a lump sum equal to the present value (as calculated under subparagraph (C)) of the amount of compensation payable under the schedule.

“(B) ESTABLISHMENT.—

“(i) IN GENERAL.—The Secretary of Labor shall establish an annual salary for purposes of subparagraph (A) in the amount the Secretary determines will result in the aggregate cost of payments made under this section being equal to what would have been the aggregate cost of payments under this section if the amendments made by section 304(a) of the
Workers’ Compensation Reform Act of 2011 had not been enacted.

“(ii) COST OF LIVING ADJUSTMENT.—

The annual salary established under clause (i) shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.

“(C) PRESENT VALUE.—The Secretary of Labor shall calculate the present value for purposes of subparagraph (A) using a rate of interest equal to the average market yield for outstanding marketable obligations of the United States with a maturity of 2 years on the first business day of the month in which the compensation is paid or, in the event that such marketable obligations are not being issued on such date, at an equivalent rate selected by the Secretary of Labor, true discount compounded annually.
“(2) CERTAIN INJURIES.—For an injury that occurred before the date of enactment of the Work-
ers’ Compensation Reform Act of 2011, the rate under subsection (a) shall be 66⅔ percent of the employee’s monthly pay.

“(e) SIMULTANEOUS RECEIPT.—

“(1) TOTAL DISABILITY.—An employee who re-
ceives compensation for total disability under section 8105 may only receive the lump sum of schedule compensation under this section in addition to and simultaneously with the benefits for total disability after the later of—

“(A) the date on which the basic com-

pensation for total disability of the employee be-
comes 50 percent of the monthly pay of the em-

ployee under section 8105(b); or

“(B) the date on which augmented com-

pensation of the employee terminates under sec-

tion 8110(b)(2)(A)(ii), if the employee receives such compensation.

“(2) PARTIAL DISABILITY.—An employee who receives benefits for partial disability under section 8106 may only receive the lump sum of schedule compensation under this section in addition to and
simultaneously with the benefits for partial disability after the later of—

“(A) the date on which the basic compensation for partial disability of the employee becomes 50 percent of the difference between the monthly pay of the employee and the monthly wage-earning capacity of the employee after the beginning of the partial disability under section 8106(b); or

“(B) the date on which augmented compensation of the employee terminates under section 8110(b)(2)(B), if the employee receives such compensation.”.

SEC. 305. VOCATIONAL REHABILITATION.

(a) IN GENERAL.—Section 8104 is amended—

(1) in subsection (a)—

(A) by striking “(a) The Secretary of Labor may” and all that follows through “undergo vocational rehabilitation.” and inserting the following:

“(a) IN GENERAL.—

“(1) DIRECTION.—Except as provided in paragraph (2), not earlier than the date that is 6 months after the date on which an individual eligible for wage-loss compensation under section 8105 or 8106
is injured, or by such other date as the Secretary of Labor determines it would be reasonable under the circumstances for the individual to begin vocational rehabilitation, and if vocational rehabilitation may enable the individual to become capable of more gainful employment, the Secretary of Labor shall direct the individual to participate in developing a comprehensive return to work plan and to undergo vocational rehabilitation at a location a reasonable distance from the residence of the individual.”;

(B) by striking “the Secretary of Health, Education, and Welfare in carrying out the purposes of chapter 4 of title 29” and inserting “the Secretary of Education in carrying out the purposes of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.”);

(C) by striking “under section 32(b)(1) of title 29” and inserting “under section 5 of the Rehabilitation Act of 1973 (29 U.S.C. 704)”;

and

(D) by adding at the end the following:

“(2) EXCEPTION.—The Secretary of Labor may not direct an individual who has attained retirement age to participate in developing a comprehensive re-
turn to work plan or to undergo vocational rehabilitation.”;

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

“(b) CONTENTS OF RETURN TO WORK PLAN.—A return to work plan developed under subsection (a)—

“(1) shall—

“(A) set forth specific measures designed to increase the wage-earning capacity of an individual;

“(B) take into account the prior training and education of the individual and the training, educational, and employment opportunities reasonably available to the individual; and

“(C) provide that any employment undertaken by the individual under the return to work plan be at a location a reasonable distance from the residence of the individual;

“(2) may provide that the Secretary will pay out of amounts in the Employees’ Compensation Fund reasonable expenses of vocational rehabilitation (which may include tuition, books, training fees,
supplies, equipment, and child or dependent care) during the course of the plan; and

“(3) may not be for a period of more than 2 years, unless the Secretary finds good cause to grant an extension, which may be for not more than 2 years.”;

(4) in subsection (e), as so redesignated—

(A) by inserting “COMPENSATION.—” before “Notwithstanding”; and

(B) by striking “, other than employment undertaken pursuant to such rehabilitation”; and

(5) by adding at the end the following:

“(d) ASSISTED REEMPLOYMENT AGREEMENTS.—

“(1) IN GENERAL.—The Secretary may enter into an assisted reemployment agreement with an agency or instrumentality of any branch of the Federal Government or a State or local government or a private employer that employs an individual eligible for wage-loss compensation under section 8105 or 8106 to enable the individual to return to productive employment.

“(2) CONTENTS.—An assisted reemployment agreement under paragraph (1)—
“(A) may provide that the Secretary will use amounts in the Employees’ Compensation Fund to reimburse an employer in an amount equal to not more than 100 percent of the compensation the individual would otherwise receive under section 8105 or 8106; and

“(B) may not be for a period of more than 3 years.

“(e) List.—To facilitate the hiring of individuals eligible for wage-loss compensation under section 8105 or 8106, the Secretary shall provide a list of such individuals to the Office of Personnel Management, which the Office of Personnel Management shall provide to all agencies and instrumentalities of the Federal Government.”.

(b) Termination of Vocational Rehabilitation Requirement After Retirement Age.—Section 8113(b) is amended by adding at the end the following:

“An individual who has attained retirement age may not be required to undergo vocational rehabilitation.”.

(c) Mandatory Benefit Reduction for Non-compliance.—Section 8113(b) is amended by striking “may reduce” and inserting “shall reduce”.

(d) Technical and Conforming Amendments.—
(1) **IN GENERAL.—**Subchapter III of chapter 15 of title 31, United States Code, is amended by adding at the end the following:

“§1538. Authorization for assisted reemployment

‘‘Funds may be transferred from the Employees’ Compensation Fund established under section 8147 of title 5 to the applicable appropriations account for an agency or instrumentality of any branch of the Federal Government for the purposes of reimbursing the agency or instrumentality in accordance with an assisted reemployment agreement entered into under section 8104 of title 5.’’.

(2) **TABLE OF SECTIONS.—**The table of sections for chapter 15 of title 31, United States Code, is amended by inserting after the item relating to section 1537 the following:

‘‘1538. Authorization for assisted reemployment.’’.

SEC. 306. REPORTING REQUIREMENTS.

(a) **IN GENERAL.—**Chapter 81 is amended by inserting after section 8106 the following:

“§8106a. Reporting requirements

“(a) **DEFINITION.—**In this section, the term ‘employee receiving compensation’ means an employee who—

“(1) is paid compensation under section 8105 or 8106; and

“(2) has not attained retirement age.
“(b) AUTHORITY.—The Secretary of Labor shall require an employee receiving compensation to report the earnings of the employee receiving compensation from employment or self-employment, by affidavit or otherwise, in the manner and at the times the Secretary specifies.

“(c) CONTENTS.—An employee receiving compensation shall include in a report required under subsection (a) the value of housing, board, lodging, and other advantages which are part of the earnings of the employee receiving compensation in employment or self-employment and the value of which can be estimated.

“(d) FAILURE TO REPORT AND FALSE REPORTS.—

“(1) IN GENERAL.—An employee receiving compensation who fails to make an affidavit or other report required under subsection (b) or who knowingly omits or understates any part of the earnings of the employee in such an affidavit or other report shall forfeit the right to compensation with respect to any period for which the report was required.

“(2) FORFEITED COMPENSATION.—Compensation forfeited under this subsection, if already paid to the employee receiving compensation, shall be recovered by a deduction from the compensation payable to the employee or otherwise recovered under
section 8129, unless recovery is waived under that section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
The table of sections for chapter 81 is amended by inserting after the item relating to section 8106 the following: “8106a. Reporting requirements.”.

6 SEC. 307. DISABILITY MANAGEMENT REVIEW; INDEPENDENT MEDICAL EXAMINATIONS.

Section 8123 is amended by adding at the end the following:

“(e) DISABILITY MANAGEMENT REVIEW.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘covered employee’ means an employee who is in continuous receipt of compensation for total disability under section 8105 for a period of not less than 6 months; and

“(B) the term ‘disability management review process’ means the disability management review process established under paragraph (2)(A).

“(2) ESTABLISHMENT.—The Secretary of Labor shall—

“(A) establish a disability management review process for the purpose of certifying and monitoring the disability status and extent of injury of each covered employee; and
“(B) promulgate regulations for the ad-
ministration of the disability management re-
view process.

“(3) **Physical Examinations Required.**—
Under the disability management review process, the
Secretary of Labor shall periodically require covered
employees to submit to physical examinations under
subsection (a) by physicians selected by the Sec-
retary. A physician conducting a physical examina-
tion of a covered employee shall submit to the Sec-
retary a report regarding the nature and extent of
the injury to and disability of the covered employee.

“(4) **Frequency.**—

“(A) **In General.**—The regulations pro-
mulgated under paragraph (2)(B) shall specify
the process and criteria for determining when
and how frequently a physical examination
should be conducted for a covered employee.

“(B) **Minimum Frequency.**—

“(i) **Initial.**—An initial physical ex-
amination shall be conducted not more
than a brief period after the date on which
a covered employee has been in continuous
receipt of compensation for total disability
under section 8015 for 6 months.
“(ii) Subsequent examinations.—

After the initial physical examination, physical examinations of a covered employee shall be conducted not less than once every 3 years.

“(5) Employing agency or instrumentality requests.—

“(A) In general.—The agency or instrumentality employing an employee who has made a claim for compensation for total disability under section 8105 may at any time submit a request for the Secretary of Labor to promptly require the employee to submit to a physical examination under this subsection.

“(B) Requesting officer.—A request under subparagraph (A) shall be made on behalf of an agency or instrumentality by—

“(i) the head of the agency or instrumentality;

“(ii) the Chief Human Capital Officer of the agency or instrumentality; or

“(iii) if the agency or instrumentality does not have a Chief Human Capital Officer, an officer with responsibilities similar to those of a Chief Human Capital Officer
designated by the head of the agency or instrumentality to make requests under this paragraph.

“(C) INFORMATION.—A request under sub-paragraph (A) shall be in writing and accompanied by—

“(i) a certification by the officer making the request that the officer has reviewed the relevant material in the employee’s file;

“(ii) an explanation of why the officer has determined, based on the materials in the file and other information known to the officer, that requiring a physical examination of the employee under this subsection is necessary; and

“(iii) copies of the materials relating to the employee that are relevant to the officer’s determination and request, unless the agency or instrumentality has a reasonable basis for not providing the materials.

“(D) EXAMINATION.—If the Secretary of Labor receives a request under this paragraph before an employee has undergone an initial
physical examination under paragraph (4)(B)(i), the Secretary shall promptly require the physical examination of the employee. A physical examination under this subparagraph shall satisfy the requirement under paragraph (4)(B)(i) that an initial physical examination be conducted.

“(E) AFTER INITIAL EXAMINATION.—

“(i) IN GENERAL.—If the Secretary of Labor receives a request under this paragraph after an employee has undergone an initial physical examination under paragraph (4)(B)(i), the Secretary shall—

“(I) review the request and the information, explanation, and other materials submitted with the request; and

“(II) determine whether to require the physical examination of the employee who is the subject of the request.

“(ii) NOT GRANTED.—If the Secretary determines not to grant a request described in clause (i), the Secretary shall promptly notify the officer who made the
• request and provide an explanation of the
reasons why the request was denied.”.

SEC. 308. WAITING PERIOD.

(a) IN GENERAL.—Section 8117 is amended—

(1) in the section heading, by striking “Time
of accrual of right” and inserting “Waiting
period”; 

(2) in subsection (a)—

(A) in the matter preceding paragraph (1),
by striking “An employee” and all that follows
through “is not entitled” and inserting “IN
GENERAL.—An employee is not entitled to con-
tinuation of pay within the meaning of section
8118 for the first 3 days of temporary disability
or, if section 8118 does not apply, is not enti-
tled’’; 

(B) in paragraph (1), by adding “or” at
the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as
paragraph (2); and

(3) in subsection (b)—

(A) by striking “A Postal Service” the first
place it appears and all that follows through “A
Postal Service” the second place it appears and inserting “USE OF LEAVE.—An”;
(B) by striking “that 3-day period” and inserting “the first 3 days of temporary dis-
ability”; and
(C) by striking “or is followed by permanent disability”.
(b) CONTINUATION OF PAY.—Section 8118 is amend-
ed—
(1) in the section heading, by striking “; election to use annual or sick leave”;
(2) in subsection (b)(1), by striking “section 8117(b)” and inserting “section 8117”;
(3) by striking subsection (c); and
(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.
(c) TECHNICAL AND CONFORMING AMENDMENTS.—
The table of sections for chapter 81 is amended by striking the items relating to sections 8117 and 8118 and inserting the following:
“8117. Waiting period.
“8118. Continuation of pay.”.
SEC. 309. ELECTION OF BENEFITS.
(a) IN GENERAL.—Section 8116 is amended by add-
ing at the end the following:
“(e) RETIREMENT BENEFITS.—
“(1) IN GENERAL.—An individual entitled to compensation benefits payable under this subchapter and under chapter 83 or 84 or any other retirement system for employees of the Government, for the same period, shall elect which benefits the individual will receive.

“(2) ELECTION.—

“(A) DEADLINE.—An individual shall make an election under paragraph (1) in accordance with such deadlines as the Secretary of Labor shall establish.

“(B) REVOCABILITY.—An election under paragraph (1) shall be revocable, notwithstanding any other provision of law, except for any period during which an individual—

“(i) was qualified for benefits payable under both this subchapter and under a retirement system described in paragraph (1); and

“(ii) was paid benefits under the retirement system after having been notified of eligibility for benefits under this subchapter.

“(3) INFORMED CHOICE.—The Secretary of Labor shall provide information, and shall ensure
that information is provided, to an individual de-
scribed in paragraph (1) about the benefits available
to the individual under this subchapter or under
chapter 83 or 84 or any other retirement system re-
ferred to in paragraph (1) the individual may elect
to receive.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
Sections 8337(f)(3) and 8464a(a)(3) are each amended by
striking “Paragraphs” and inserting “Except as provided
under chapter 81, paragraphs”.

SEC. 310. SANCTION FOR NONCOOPERATION WITH FIELD
NURSES.

Section 8123, as amended by section 307, is amended
by adding at the end the following:

“(f) FIELD NURSES.—

“(1) DEFINITION.—In this subsection, the term
‘field nurse’ means a registered nurse that assists
the Secretary in the medical management of dis-
ability claims under this subchapter and provides
claimants with assistance in coordinating medical
care.

“(2) AUTHORIZATION.—The Secretary may use
field nurses to coordinate medical services and voca-
tional rehabilitation programs for injured employees
under this subchapter. If an employee refuses to co-
operate with a field nurse or obstructs a field nurse in the performance of duties under this subchapter, the right to compensation under this subchapter shall be suspended until the refusal or obstruction stops.”

SEC. 311. SUBROGATION OF CONTINUATION OF PAY.

(a) IN GENERAL.—Section 8131 is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting “continuation of pay or” before “compensation”;

(2) in subsection (b), by inserting “continuation of pay” before compensation; and

(3) in subsection (c)—

(A) by inserting “continuation of pay or” before “compensation already paid”; and

(B) by inserting “continuation of pay or” before “compensation payable”.

(b) ADJUSTMENT AFTER RECOVERY FROM A THIRD PERSON.—Section 8132 is amended—

(1) in the first sentence—

(A) by inserting “continuation of pay or” before “compensation is payable”;

(B) by inserting “continuation of pay or” before “compensation from the United States”;
(C) by striking “by him or in his behalf” 
and inserting “by the beneficiary or on behalf 
of the beneficiary”; 

(D) by inserting “continuation of pay and” 
before “compensation paid by the United 
States”; and 

(E) by striking “compensation payable to 
him” and inserting “continuation of pay or 
compensation payable to the beneficiary”; 

(2) in the second sentence, by striking “his des-
ignee” and inserting “the designee of the bene-
iciary”; and 

(3) in the fourth sentence, by striking “If com-
pensation” and all that follows through “payable to 
him by the United States” and inserting “If con-
tinuation of pay or compensation has not been paid 
to the beneficiary, the money or property shall be 
credited against continuation of pay or compensation 
payable to the beneficiary by the United States”. 

SEC. 312. SOCIAL SECURITY EARNINGS INFORMATION. 
Section 8116, as amended by section 308, is amended 
by adding at the end the following: 

“(f) EARNINGS INFORMATION.—Notwithstanding 
section 552a or any other provision of Federal or State 
law, the Social Security Administration shall make avail-
able to the Secretary of Labor, upon written request, the Social Security earnings information of a living or deceased employee who may have sustained an injury or died as a result of an injury that is the subject of a claim under this subchapter required by the Secretary of Labor to carry out this subchapter.”.

SEC. 313. AMOUNT OF COMPENSATION.

(a) INJURIES TO FACE, HEAD, AND NECK.—Section 8107(c)(21) is amended—

(1) by striking “not to exceed $3,500” and inserting “in proportion to the severity of the disfigurement, not to exceed $50,000,”; and

(2) by adding at the end the following: “The maximum amount of compensation under this paragraph shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(b) FUNERAL EXPENSES.—Section 8134(a) is amended—

(1) by striking “$800” and inserting “$6,000”; and
(2) by adding at the end the following: “The maximum amount of compensation under this sub-section shall be increased on March 1 of each year by the amount determined by the Secretary of Labor to represent the percent change in the price index published for December of the preceding year over the price index published for the December of the year prior to the preceding year, adjusted to the nearest one-tenth of 1 percent.”.

(c) APPLICATION.—The amendments made by this section shall apply to injuries or deaths, respectively, occurring on or after the date of enactment of this Act.

SEC. 314. TECHNICAL AND CONFORMING AMENDMENTS.

Chapter 81 is amended—

(1) in section 8101(1)(D), by inserting “for an injury that occurred before the effective date of section 204(e) of the District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198; 87 Stat. 783; 5 U.S.C. 8101 note)” before the semicolon;

(2) in section 8139, by inserting “under this subchapter” after “Compensation awarded”; and

(3) in section 8148(a), by striking “section 8106” and inserting “section 8106a”.

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SEC. 315. REGULATIONS.

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Secretary of Labor shall promulgate regulations (which may include interim final regulations) to carry out this title.

(b) CONTENTS.—The regulations promulgated under subsection (a) shall include, for purposes of the amendments made by sections 302 and 303, clarification of—

(1) what is a claim; and

(2) what is the date on which a period of disability, for which a claim is made, commences.

TITLE IV—OTHER MATTERS

SEC. 401. PROFITABILITY PLAN.

(a) PLAN REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, the Comptroller General of the United States, and the Commission a plan describing, in detail, the actions the Postal Service will take to—

(1) become profitable by fiscal year 2015; and

(2) achieve long-term financial solvency.

(b) CONSIDERATIONS.—The plan required under subsection (a) shall take into consideration—

(1) the legal authority of the Postal Service;
(2) the changes in the legal authority and responsibilities of the Postal Service under this Act;

(3) any cost savings that the Postal Service anticipates will be achieved through negotiations with employees of the Postal Service; and

(4) projected changes in mail volume.

(c) Updates.—The Postal Service shall update the plan required under subsection (a) not less frequently than quarterly, until the last quarter of fiscal year 2015.

SEC. 402. POSTAL RATES.

(a) Commission Study.—

(1) In General.—Not earlier than 2 years after the date of enactment of this Act, the Commission shall commence a study to determine—

(A) whether and to what extent any market-dominant classes, products, or types of mail services do not bear the direct and indirect costs attributable to those classes, products, or types of mail service; and

(B) the impact of any excess mail processing, transportation, or delivery capacity of the Postal Service on the direct and indirect costs attributable to any class that bears less than 100 percent of the costs attributable to
the class, as determined under subparagraph (A).

(2) REQUIREMENTS.—The Commission shall conduct the study under paragraph (1) in a manner that protects confidential and proprietary business information.

(3) HEARING.—Before completing the study under paragraph (1), the Commission shall hold a public hearing, on the record, in order to better inform the conclusions of the study. The Postal Service, postal customers, and other interested persons may participate in the hearing under this paragraph.

(4) COMPLETION.—Not later than 6 months after the date on which the Commission commences the study under subsection (a), the Commission shall complete the study.

(b) ANNUAL UPDATES REQUIRED.—Not later than 1 year after the date of completion of the study under subsection (a), and annually thereafter, the Commission shall—

(1) determine whether any class of mail bears less than 100 percent of the direct and indirect costs attributable to the class, product, or type of mail service, in the same manner as under subsection (a)(1)(A);
(2) for any class of mail for which the Commission makes a determination under paragraph (1), update the study under subsection (a); and

(3) include the study updated under paragraph (2) in the annual written determination of the Commission under section 3653 of title 39, United States Code.

(c) POSTAL RATES.—

(1) DEFINITION.—In this subsection, the term “loss-making”, as used with respect to a class of mail, means a class of mail that bears less than 100 percent of the costs attributable to the class of mail, according to the most recent annual determination of the Commission under subsection (a)(1) or (b)(1), adjusted to account for the quantitative effect of excess mail processing, transportation, or delivery capacity of the Postal Service on the costs attributable to the class of mail.

(2) IN GENERAL.—Not later than 1 year after the date on which the study under subsection (a) is completed, and annually thereafter, the Postal Service shall establish postal rates for each loss-making class of mail.

(3) CONSIDERATIONS.—The Postal Service may establish postal rates under paragraph (2) in a man-
ner that ensures, to the extent practicable, that a

class of mail described in paragraph (2) is not loss-

making by—

(A) using the authority to increase rates

under section 3622(d)(1)(A) of title 39, United

States Code;

(B) exhausting any unused rate adjust-

ment authority, as defined in section

3622(d)(2)(C) of title 39, United States Code,

subject to paragraph (4); and

(C) maximizing incentives to reduce costs

and increase efficiency with regard to the proc-

essing, transportation, and delivery of such mail

by the Postal Service.

(4) UNUSED RATE ADJUSTMENT AUTHORITY.—

Section 3622(d)(2)(C) of title 39, United States

Code, shall be applied by annually increasing by 2

percentage points any unused rate adjustment au-

thority for a class of mail that bears less than 90

percent of the costs attributable to the class of mail,

according to the most recent annual determination

of the Commission under subsection (a)(1) or (b)(1),

adjusted to account for the quantitative effect of ex-

cess mail processing, transportation, or delivery ca-
capacity of the Postal Service on the costs attributable
to the class of mail.

SEC. 403. COOPERATION WITH STATE AND LOCAL GOVERN-
MENTS; INTRA-SERVICE AGREEMENTS.

(a) Cooperation With State and Local Gov-
ernments.—Section 411 of title 39, United States Code,
is amended, in the first sentence by striking “and the Gov-
ernment Printing Office” inserting “, the Government
Printing Office, and agencies and other units of State and
local governments”.

(b) Intra-Service Agreements.—Section 411 of

(a) Cooperation With State and Local Gov-
ernments.—Executive agencies”;

(1) in the section heading, by adding at the end
the following: “and within the Postal Serv-
ice”;

(2) in the second sentence, by striking “sec-
tion” and inserting “subsection”;

(3) by striking “Executive agencies” and insert-
ing the following:

“(a) Cooperation With State and Local Gov-
erments.—Executive agencies”; and

(4) by adding at the end the following:

“(b) Cooperation Within the Postal Serv-
ice.—The Office of the Inspector General and other com-
ponents of the Postal Service may enter into agreements to furnish to each other property, both real and personal, and personal and nonpersonal services. The furnishing of property and services under this subsection shall be under such terms and conditions, including reimbursability, as the Inspector General and the head of the component concerned shall deem appropriate.”.

(c) TECHNICAL AND CONFORMING AMENDMENT.—
The table of sections for chapter 4 of title 39, United States Code, is amended by striking the item relating to section 411 and inserting the following:

“411. Cooperation with other Government agencies and within the Postal Service.”.

SEC. 404. SHIPPING OF WINE AND BEER.

(a) MAILABILITY.—

(1) NONMAILABLE ARTICLES.—Section 1716(f) of title 18, United States Code, is amended by striking “mails” and inserting “mails, except to the extent that the mailing is allowable under section 3001(p) of title 39”.

(2) APPLICATION OF LAWS.—Section 1161 of title 18, United States Code, is amended, by inserting “, and, with respect to the mailing of wine or malt beverages (as those terms are defined in section 117 of the Federal Alcohol Administration Act (27
U.S.C. 211)), is in conformity with section 3001(p) of title 39” after “Register”.

(b) REGULATIONS.—Section 3001 of title 39, United States Code, is amended by adding at the end the following:

“(p)(1) In this subsection, the terms ‘wine’ and ‘malt beverage’ have the same meanings as in section 117 of the Federal Alcohol Administration Act (27 U.S.C. 211).

“(2) Wine or malt beverages shall be considered mailable if mailed—

“(A) by a licensed winery or brewery, in accordance with applicable regulations under paragraph (3); and

“(B) in accordance with the law of the State, territory, or district of the United States where the addressee or duly authorized agent takes delivery.

“(3) The Postal Service shall prescribe such regulations as may be necessary to carry out this subsection, including regulations providing that—

“(A) the mailing shall be by a means established by the Postal Service to ensure direct delivery to the addressee or a duly authorized agent;

“(B) the addressee (and any duly authorized agent) shall be an individual at least 21 years of age;
“(C) the individual who takes delivery, whether the addressee or a duly authorized agent, shall present a valid, government-issued photo identification at the time of delivery;

“(D) the wine or malt beverages may not be for resale or other commercial purpose; and

“(E) the winery or brewery involved shall—

“(i) certify in writing to the satisfaction of the Postal Service, through a registration process administered by the Postal Service, that the mailing is not in violation of any provision of this subsection or regulation prescribed under this subsection; and

“(ii) provide any other information or affirmation that the Postal Service may require, including with respect to the prepayment of State alcohol beverage taxes.

“(4) For purposes of this subsection—

“(A) a winery shall be considered to be licensed if it holds an appropriate basic permit issued—

“(i) under the Federal Alcohol Administration Act; and

“(ii) under the law of the State in which the winery is located; and
“(B) a brewery shall be considered to be licensed if—
“(i) it possesses a notice of registration and bond approved by the Alcohol and Tobacco Tax and Trade Bureau of the Department of the Treasury; and
“(ii) it is licensed to manufacture and sell malt beverages in the State in which the brewery is located.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the date on which the Postal Service issues regulations under section 3001(p) of title 39, United States Code, as amended by this section; and

(2) 120 days after the date of enactment of this Act.

SEC. 405. ANNUAL REPORT ON UNITED STATES MAILING INDUSTRY.

(a) IN GENERAL.—Chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“§2403. Annual report on the fiscal stability of the United States mailing industry

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter,
the Postal Regulatory Commission shall submit a report on the fiscal stability of the United States mailing industry with respect to the preceding fiscal year to—

“(1) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Oversight and Government Reform of the House of Representatives.

“(b) ASSISTANCE.—The United States Postal Service and any Federal agency involved in oversight or data collection regarding industry sectors relevant to the report under subsection (a) shall provide any assistance to the Postal Regulatory Commission that the Postal Regulatory Commission determines is necessary in the preparation of a report under subsection (a).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of sections for chapter 24 of title 39, United States Code, is amended by adding at the end the following:

“2403. Annual report on the fiscal stability of the United States mailing industry.”.

SEC. 406. USE OF NEGOTIATED SERVICE AGREEMENTS.

Section 3622 of title 39, United States Code, is amended—

(1) in subsection (c)(10)(A)—

(A) in the matter preceding clause (i), by striking “either” and inserting “will”;
(B) in clause (i), by striking “or” at the end;

(C) in clause (ii), by striking “and” at the end and inserting “or”; and

(D) by adding at the end the following:

“(iii) preserve mail volume and revenue; and”; and

(2) by adding at the end the following:

“(g) COORDINATION.—The Postal Service and the Postal Regulatory Commission shall coordinate actions to identify methods to increase the use of negotiated service agreements for market-dominant products by the Postal Service consistent with subsection (c)(10).”.

SEC. 407. CONTRACT DISPUTES.

Section 7101(8) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(E) the United States Postal Service and the Postal Regulatory Commission.”.
SEC. 408. CONTRACTING PROVISIONS.

(a) IN GENERAL.—Part I of title 39, United States Code, is amended by adding at the end the following:

“CHAPTER 7—CONTRACTING PROVISIONS

“Sec.

701. Definitions.
702. Advocate for competition.
703. Delegation of contracting authority.
704. Posting of noncompetitive purchase requests for noncompetitive contracts.
705. Review of ethical issues.
706. Ethical restrictions on participation in certain contracting activity.

“§ 701. Definitions

“In this chapter—

“(1) the term ‘contracting officer’ means an employee of a covered postal entity who has authority to enter into a postal contract;

“(2) the term ‘covered postal entity’ means—

“(A) the United States Postal Service; or

“(B) the Postal Regulatory Commission;

“(3) the term ‘head of a covered postal entity’ means—

“(A) in the case of the United States Postal Service, the Postmaster General; or

“(B) in the case of the Postal Regulatory Commission, the Chairman of the Postal Regulatory Commission;

“(4) the term ‘postal contract’ means any contract (including any agreement or memorandum of
understanding) entered into by a covered postal entity for the procurement of goods or services; and

“(5) the term ‘senior procurement executive’ means the senior procurement executive of a covered postal entity.

“§ 702. Advocate for competition

“(a) Establishment and designation.—

“(1) There is established in each covered postal entity an advocate for competition.

“(2) The head of each covered postal entity shall designate for the covered postal entity 1 or more officers or employees (other than the senior procurement executive) to serve as the advocate for competition.

“(b) Responsibilities.—The advocate for competition of each covered postal entity shall—

“(1) be responsible for promoting competition to the maximum extent practicable consistent with obtaining best value by promoting the acquisition of commercial items and challenging barriers to competition;

“(2) review the procurement activities of the covered postal entity; and

“(3) prepare and transmit to the head of each covered postal entity, the senior procurement execu-
tive of each covered postal entity, the Board of Gov-
ernors of the United States Postal Service, and Con-
gress, an annual report describing—

“(A) the activities of the advocate under
this section;

“(B) initiatives required to promote com-
petition;

“(C) barriers to competition that remain;

and

“(D) the number of waivers made by each
covered postal entity under section 704(c).

§ 703. Delegation of contracting authority

“(a) IN GENERAL.—

“(1) POLICY.—Not later than 60 days after the
date of enactment of the 21st Century Postal Serv-
vice Act of 2011, the head of each covered postal en-
tity shall issue a policy on contracting officer delega-
tions of authority for the covered postal entity.

“(2) CONTENTS.—The policy issued under
paragraph (1) shall require that—

“(A) notwithstanding any delegation of au-
thority with respect to postal contracts, the ulti-
mate responsibility and accountability for the
award and administration of postal contracts
resides with the senior procurement executive; and

“(B) a contracting officer shall maintain an awareness of and engagement in the activities being performed on postal contracts of which that officer has cognizance, notwithstanding any delegation of authority that may have been executed.

“(b) POSTING OF DELEGATIONS.—

“(1) IN GENERAL.—The head of each covered postal entity shall make any delegation of authority for postal contracts outside the functional contracting unit readily available and accessible on the website of the covered postal entity.

“(2) EFFECTIVE DATE.—This paragraph shall apply to any delegation of authority made on or after 30 days after the date of enactment of the 21st Century Postal Service Act of 2011.

“§ 704. Posting of noncompetitive purchase requests for noncompetitive contracts

“(a) POSTING REQUIRED.—

“(1) POSTAL REGULATORY COMMISSION.—The Postal Regulatory Commission shall make the non-competitive purchase request for any noncompetitive award, including the rationale supporting the non-
competitive award, publicly available on the website
of the Postal Regulatory Commission—

“(A) not later than 14 days after the date
of the award of the noncompetitive contract; or

“(B) not later than 30 days after the date
of the award of the noncompetitive contract, if
the basis for the award was a compelling busi-
ness interest.

“(2) UNITED STATES POSTAL SERVICE.—The
United States Postal Service shall make the non-
competitive purchase request for any noncompetitive
award of a postal contract valued at $250,000 or
more, including the rationale supporting the non-
competitive award, publicly available on the website
of the United States Postal Service—

“(A) not later than 14 days after the date
of the award; or

“(B) not later than 30 days after the date
of the award, if the basis for the award was a
compelling business interest.

“(3) ADJUSTMENTS TO THE POSTING THRESH-
OLD FOR THE UNITED STATES POSTAL SERVICE.—

“(A) REVIEW AND DETERMINATION.—Not
later than January 31 of each year, the United
States Postal Service shall—
“(i) review the $250,000 threshold established under paragraph (2); and

“(ii) based on any change in the Consumer Price Index for all-urban consumers of the Department of Labor, determine whether an adjustment to the threshold shall be made.

“(B) Amount of Adjustments.—An adjustment under subparagraph (A) shall be made in increments of $5,000. If the United States Postal Service determines that a change in the Consumer Price Index for a year would require an adjustment in an amount that is less than $5,000, the United States Postal Service may not make an adjustment to the threshold for the year.

“(4) Effective Date.—This subsection shall apply to any noncompetitive contract awarded on or after the date that is 90 days after the date of enactment of the 21st Century Postal Service Act of 2011.

“(b) Public Availability.—

“(1) In general.—Subject to paragraph (2), the information required to be made publicly available by a covered postal entity under subsection (a)
shall be readily accessible on the website of the covered postal entity.

“(2) Protection of proprietary information.—A covered postal entity shall—

“(A) carefully screen any description of the rationale supporting a noncompetitive award required to be made publicly available under subsection (a) to determine whether the description includes proprietary data (including any reference or citation to the proprietary data) or security-related information; and

“(B) remove any proprietary data or security-related information before making publicly available a description of the rational supporting a noncompetitive award.

“(c) Waivers.—

“(1) Waiver permitted.—If a covered postal entity determines that making a noncompetitive purchase request publicly available would risk placing the United States Postal Service at a competitive disadvantage relative to a private sector competitor, the senior procurement executive, in consultation with the advocate for competition of the covered postal entity, may waive the requirements under subsection (a).
“(2) FORM AND CONTENT OF WAIVER.—

“(A) FORM.—A waiver under paragraph (1) shall be in the form of a written determination placed in the file of the contract to which the noncompetitive purchase agreement relates.

“(B) CONTENT.—A waiver under paragraph (1) shall include—

“(i) a description of the risk associated with making the noncompetitive purchase request publicly available; and

“(ii) a statement that redaction of sensitive information in the noncompetitive purchase request would not be sufficient to protect the United States Postal Service from being placed at a competitive disadvantage relative to a private sector competitor.

“(3) DELEGATION OF WAIVER AUTHORITY.—A covered postal entity may not delegate the authority to approve a waiver under paragraph (1) to any employee having less authority than the senior procurement executive.

“§705. Review of ethical issues

“If a contracting officer identifies any ethical issues relating to a proposed contract and submits those issues
and that proposed contract to the designated ethics official for the covered postal entity before the awarding of that contract, that ethics official shall—

“(1) review the proposed contract; and

“(2) advise the contracting officer on the appropriate resolution of ethical issues.

“§ 706. Ethical restrictions on participation in certain contracting activity

“(a) DEFINITIONS.—In this section—

“(1) the term ‘covered employee’ means—

“(A) a contracting officer; or

“(B) any employee of a covered postal entity whose decisionmaking affects a postal contract as determined by regulations prescribed by the head of a covered postal entity;

“(2) the term ‘covered relationship’ means a covered relationship described in section 2635.502(b)(1) of title 5, Code of Federal Regulations, or any successor thereto; and

“(3) the term ‘final conviction’ means a conviction, whether entered on a verdict or plea, including a plea of nolo contendere, for which a sentence has been imposed.

“(b) IN GENERAL.—
“(1) Regulations.—The head of each covered postal entity shall prescribe regulations that—

“(A) require a covered employee to include in the file of any noncompetitive purchase request for a noncompetitive postal contract a written certification that—

“(i) discloses any covered relationship of the covered employee; and

“(ii) the covered employee will not take any action with respect to the non-competitive purchase request that affects the financial interests of a friend, relative, or person with whom the covered employee is affiliated in a nongovernmental capacity, or otherwise gives rise to an appearance of the use of public office for private gain, as described in section 2635.702 of title 5, Code of Federal Regulations, or any successor thereto;

“(B) require a contracting officer to consult with the ethics counsel for the covered postal entity regarding any disclosure made by a covered employee under subparagraph (A)(i), to determine whether participation by the covered employee in the noncompetitive purchase
request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’);

“(C) require the ethics counsel for a covered postal entity to review any disclosure made by a contracting officer under subparagraph (A)(i) to determine whether participation by the contracting officer in the noncompetitive purchase request would give rise to a violation of part 2635 of title 5, Code of Federal Regulations (commonly referred to as the ‘Standards of Ethical Conduct for Employees of the Executive Branch’), or any successor thereto;

“(D) under subsections (d) and (e) of section 2635.50 of title 5, Code of Federal Regulations, or any successor thereto, require the ethics counsel for a covered postal entity to—

“(i) authorize a covered employee that makes a disclosure under subparagraph (A)(i) to participate in the noncompetitive postal contract; or

“(ii) disqualify a covered employee that makes a disclosure under subpara-
graph (A)(i) from participating in the non-

-competitive postal contract;

“(E) require a contractor to timely disclose
to the contracting officer in a bid, solicitation,
award, or performance of a postal contract any
conflict of interest with a covered employee; and

“(F) include authority for the head of the
covered postal entity to a grant a waiver or oth-
otherwise mitigate any organizational or personal
conflict of interest, if the head of the covered
postal entity determines that the waiver or miti-
gation is in the best interests of the Postal
Service.

“(2) POSTING OF WAIVERS.—Not later than 30
days after the head of a covered postal entity grants
a waiver described in paragraph (1)(F), the head of
the covered postal entity shall make the waiver pub-
licly available on the website of the covered postal
entity.

“(c) CONTRACT VOIDANCE AND RECOVERY.—

“(1) UNLAWFUL CONDUCT.—In any case in
which there is a final conviction for a violation of
any provision of chapter 11 of title 18 relating to a
postal contract, the head of a covered postal entity
may—
“(A) void that contract; and

“(B) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(2) OBTAINING OR DISCLOSING PROCUREMENT INFORMATION.—

“(A) IN GENERAL.—In any case where a contractor under a postal contract fails to timely disclose a conflict of interest to the appropriate contracting officer as required under the regulations promulgated under subsection (b)(1)(D), the head of a covered postal entity may—

“(i) void that contract; and

“(ii) recover the amounts expended and property transferred by the covered postal entity under that contract.

“(B) CONVICTION OR ADMINISTRATIVE TERMINATION.—A case described under subparagraph (A) is any case in which—

“(i) there is a final conviction for an offense punishable under section 27(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(e)); or
“(ii) the head of a covered postal entity determines, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under section 27(e) of that Act.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of chapters for part I of title 39, United States Code, is amended by adding at the end the following:

“7. Contracting Provisions ................................................................. 701”. 