

112TH CONGRESS
2D SESSION

H. R. 5790

To provide for the transfer of the United States Postal Service surplus with respect to certain retirement benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2012

Mr. BACA introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for the transfer of the United States Postal Service surplus with respect to certain retirement benefits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TRANSFER OF POSTAL SERVICE SURPLUS.**

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

6 (1) by redesignating paragraph (5) as para-
7 graph (6); and

8 (2) by inserting after paragraph (4) the fol-
9 lowing:

1 “(5)(A) In this paragraph, the term ‘postal funding
2 surplus’ means the amount by which the amount com-
3 puted under paragraph (1)(B) is less than zero.

4 “(B)(i) For each of fiscal years 2012, 2013, and
5 2014, if the amount computed under paragraph (1)(B) is
6 less than zero, the Director shall transfer to the United
7 States Postal Service from the Fund an amount equal to
8 the postal funding surplus for that fiscal year for use in
9 accordance with this paragraph.

10 “(ii) The Office shall calculate the amount under
11 paragraph (1)(B) for a fiscal year by not later than 90
12 days after the end of such fiscal year, and shall transfer
13 any postal funding surplus to the United States Postal
14 Service within 90 days after such calculation.

15 “(C) Any postal funding surplus for a fiscal year shall
16 be used by the United States Postal Service as follows:

17 “(i) 50 percent of such surplus shall be used to
18 repay any obligation issued under section 2005 of
19 title 39.

20 “(ii) 25 percent of such surplus shall be used
21 to make required payments to the Postal Service Re-
22 tiree Health Benefits Fund established under section
23 8909a.

1 “(iii) 25 percent of such surplus shall be used
2 to make required payments to the Civil Service Re-
3 tirement and Disability Fund.

4 “(D)(i) With respect to the allocations in subpara-
5 graph (C)(ii) and (C)(iii), the United States Postal Service
6 may adjust the percentage of surplus used for each such
7 an allocation as the Postal Service deems necessary, but
8 at no time may the Postal Service use an amount greater
9 than 50 percent of such surplus for such an allocation.

10 “(ii) Nothing in this subparagraph shall be construed
11 to grant authority to the Postal Service to change or oth-
12 erwise modify the allocation required in subparagraph
13 (C)(i).”.

14 **SEC. 2. HEALTH BENEFITS PROGRAM FOR POSTAL SERV-**
15 **ICE EMPLOYEES.**

16 It is the sense of Congress that, if the United States
17 Postal Service is permitted to offer Postal Service employ-
18 ees health benefits under a program separate from the
19 health benefits program for Federal employees under
20 chapter 89 of title 5, United States Code, the Postmaster
21 General shall work with representatives of Postal Service
22 employees in exclusive bargaining units to create and es-
23 tablish such a program.

1 **SEC. 3. AUTHORITY TO PROVIDE NON-POSTAL SERVICES.**

2 Section 404 of title 39, United States Code, is
3 amended—

4 (1) in subsection (a)—

5 (A) in paragraph (7), by striking “and” at
6 the end;

7 (B) in paragraph (8), by striking the pe-
8 riod and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(9) to provide nonpostal services.”; and

11 (2) by striking subsection (e).

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