

\$3,473,634,000,000 for the period of fiscal years 2013 through 2022.

(G) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$7,818,000,000 for the period of fiscal years 2013 through 2022.

(b) SUBMISSION OF REVISED ALLOCATIONS.—Upon the submission to the Committee on the Budget of the Senate of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the Senate revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

**SEC. 402. DIRECTIVE TO THE COMMITTEE ON THE BUDGET OF THE SENATE TO REPLACE THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.**

(a) SUBMISSION.—In the Senate, the Committee on the Budget shall report to the Senate a bill carrying out the directions set forth in subsection (b).

(b) DIRECTIONS.—The bill referred to in subsection (a) shall include the following provisions:

(1) REPLACING THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.—The language shall amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established under that section consistent with this concurrent resolution.

(2) APPLICATION OF PROVISIONS.—The bill referred to in subsection (a) shall include language making its application contingent upon the enactment of the reconciliation bill referred to in section 401.

**TITLE V—CONGRESSIONAL POLICY CHANGES**

**SEC. 501. POLICY STATEMENT ON SOCIAL SECURITY.**

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure the Social Security System achieves solvency over the 75 year window as follows:

(1) The legislation must modify the Primary Insurance Amount formula between 2018 and 2055 to gradually reduce benefits on a progressive basis for works with career-average earnings above the 40th percentile of new retired workers.

(2) The normal retirement age will increase by 3 months each year starting with individuals reaching age 62 in 2017 and stopping with the normal retirement age reaches the age of 70 for individuals reaching the age of 62 in 2032.

(3) The earliest eligibility age will be increased by 3 months per year starting with individuals reaching age 62 in 2021 and will stop with the reaches age 64 for individuals reaching the age 62 in 2028 or later.

**SEC. 502. POLICY STATEMENT ON MEDICARE.**

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a reduction in the unfunded liabilities of Medicare as follows:

(1) Enrolls seniors in the same health care plan as Federal employees and Members of Congress, similar to the Federal Employee Health Benefits Plan (FEHBP).

(2) Beginning on January 1, 2014, the Director of the Office of Personnel Management shall ensure seniors currently enrolled or eligible for Medicare will have access to Congressional Health Care for Seniors Act.

(3) Prevents the Office of Personnel and Management from placing onerous new mandates on health insurance plans, but allows

the agency to continue to enforce reasonable minimal standards for plans, ensure the plans are fiscally solvent, and enforces rules for consumer protections.

(4) The legislation must create a new “high-risk pool” for the highest cost patients, providing a direct reimbursement to health care plans that enroll the costliest 5 percent of patients.

(5) Ensures that every senior can afford the high-quality insurance offered by FEHBP, providing support for 75 percent of the total costs, providing additional premium assistance to those who cannot afford the remaining share.

(6) The legislation must increase the age of eligibility gradually over 20 years, increasing the age from 65 to 70, resulting in a 3-month increase per year.

(7) High-income seniors will be provided less premium support than low-income seniors.

**SEC. 503. POLICY STATEMENT ON TAX REFORM.**

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a tax reform that broadens the tax base, reduces tax complexity, includes a consumption-based income tax, and a globally competitive flat tax as follows:

(1) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax rate of 17 percent on adjusted gross income. The individual tax code shall remove all credits and deductions, with exception to the mortgage interest deduction, offsetting these with a substantially higher standard deduction and personal exemption. The standard deduction for joint filers is \$30,320, \$19,350 for head of household, and \$15,160 for single filers. The personal exemption amount is \$6,530. This proposal eliminates the individual alternative minimum tax (AMT). The tax reform would repeal all tax on savings and investments, including capital gains, qualified and ordinary dividends, estate, gift, and interest saving taxes.

(2) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax of 17 percent on adjusted gross income. The business tax code shall remove all credits and deductions, offsetting these with a lower tax rate and immediate expensing of all business inputs. Such inputs shall be determined by total revenue from the sale of good and services less purchases of inputs from other firms less wages, salaries, and pensions paid to workers less purchases of plant and equipment.

(3) The individuals and businesses would be subject to taxation on only those incomes that are produced or derived, as a territorial system in the United States. The aggregate taxes paid should provide the ability to fill out a tax return no larger than a postcard.

**TITLE VI—SENSE OF CONGRESS**

**SEC. 601. REGULATORY REFORM.**

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a regulatory reform as follows:

(1) APPLY REGULATORY ANALYSIS REQUIREMENTS TO INDEPENDENT AGENCIES.—It shall be the policy of Congress to pass into law a requirement for independent agencies to abide by the same regulatory analysis requirement as those required by executive branch agencies

(2) ADOPT THE REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT (REINS).—It shall be the policy of Congress to vote on the Executive In Need of Scrutiny Act, legislation that would require all regulations that impose a burden greater than \$100 million in economic aggregate may not be implement as law unless Congress gives their consent by voting on the rule.

(3) SUNSET ALL REGULATIONS.—It shall be the policy of Congress that regulations imposed by the Federal Government shall automatically sunset every 2 years unless re-promulgated by Congress.

(4) PROCESS REFORM.—It shall be the policy of Congress to implement regulatory process reform by instituting statutorily require regulatory impact analysis for all agencies, require the publication of regulatory impact analysis before the regulation is finalized, and ensure that not only are regulatory impact analysis conducted, but applied to the issued regulation or rulemaking.

(5) INCORPORATION OF FORMAL RULEMAKING FOR MAJOR RULES.—It shall be the policy of Congress to apply formal rulemaking procedures to all major regulations or those regulations that exceed \$100,000,000 in aggregate economic costs.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2000. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 2000. Mr. REID (for Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts)) submitted an amendment intended to be proposed by Mr. REID to the bill S. 1789, to improve, sustain, and transform the United States Postal Service; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “21st Century Postal Service Act of 2012”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

**TITLE I—POSTAL WORKFORCE MATTERS**

- Sec. 101. Treatment of postal funding surplus for Federal Employees Retirement System.
- Sec. 102. Incentives for voluntary separation.
- Sec. 103. Restructuring of payments for retiree health benefits.
- Sec. 104. Postal Service Health Benefits Program.
- Sec. 105. Medicare coordination efforts for Postal Service employees and retirees.
- Sec. 106. Arbitration; labor disputes.

**TITLE II—POSTAL SERVICES AND OPERATIONS**

- Sec. 201. Maintenance of delivery service standards.
- Sec. 202. Preserving mail processing capacity.
- Sec. 203. Establishment of retail service standards.
- Sec. 204. Expanded retail access.
- Sec. 205. Preserving community post offices.
- Sec. 206. Area and district office structure.
- Sec. 207. Conversion of door delivery points.
- Sec. 208. Limitations on changes to mail delivery schedule.

- Sec. 209. Time limits for consideration of service changes.
- Sec. 210. Public procedures for significant changes to mailing specifications.
- Sec. 211. Nonpostal products and services.
- Sec. 212. Chief Innovation Officer; innovation strategy.
- Sec. 213. Strategic Advisory Commission on Postal Service Solvency and Innovation.

#### TITLE III—FEDERAL EMPLOYEES' COMPENSATION ACT

- Sec. 301. Short title; references.
- Sec. 302. Federal workers compensation reforms for retirement-age employees.
- Sec. 303. Augmented compensation for dependents.
- Sec. 304. Schedule compensation payments.
- Sec. 305. Vocational rehabilitation.
- Sec. 306. Reporting requirements.
- Sec. 307. Disability management review; independent medical examinations.
- Sec. 308. Waiting period.
- Sec. 309. Election of benefits.
- Sec. 310. Sanction for noncooperation with field nurses.
- Sec. 311. Subrogation of continuation of pay.
- Sec. 312. Integrity and compliance.
- Sec. 313. Amount of compensation.
- Sec. 314. Technical and conforming amendments.
- Sec. 315. Regulations.
- Sec. 316. Effective date.

#### TITLE IV—OTHER MATTERS

- Sec. 401. Solvency plan.
- Sec. 402. Postal rates.
- Sec. 403. Co-location with Federal agencies.
- Sec. 404. Cooperation with State and local governments; intra-Service agreements.
- Sec. 405. Shipping of wine, beer, and distilled spirits.
- Sec. 406. Annual report on United States mailing industry.
- Sec. 407. Use of negotiated service agreements.
- Sec. 408. Contract disputes.
- Sec. 409. Contracting provisions.

#### SEC. 3. DEFINITIONS.

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 POSTAL FUNDING SURPLUS FOR 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 ‘postal funding surplus’ means the amount by which the amount computed under paragraph (1)(B) is less than zero.

“(B)(i) Beginning with fiscal year 2011, 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 postal funding surplus for that fiscal year for use in accordance with this paragraph.

“(ii) The Office shall calculate the amount under paragraph (1)(B) for a fiscal year by not later than June 15 after the close of the fiscal year, and shall transfer any postal

funding surplus to the United States Postal Service within 10 days after a request by the Postmaster General.

“(C) For each of fiscal years 2011, 2012, 2013, and 2014 if the amount computed under paragraph (1)(B) is less than zero, a portion of the postal funding surplus for the fiscal year shall be used by the United States Postal Service for the cost of providing incentives for voluntary separation, in accordance with section 102 of the 21st Century Postal Service Act of 2012 and sections 8332(p) and 8411(m) of this title, to employees of the United States Postal Service who voluntarily separate from service before October 1, 2015.

“(D) Any postal funding surplus 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 section 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. INCENTIVES FOR VOLUNTARY SEPARATION.

(a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—The Postal Service may provide voluntary separation incentive payments to employees of the Postal Service who voluntarily separate from service before October 1, 2015 (including payments to employees who retire under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, before October 1, 2015), which may not exceed the maximum amount provided under section 3523(b)(3)(B) of title 5, United States Code, for any employee.

(b) ADDITIONAL SERVICE CREDIT.—

(1) 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, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 1 year 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) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8411(m)(1) is not more than \$25,000 per employee provided additional creditable service under paragraph (1) or section 8411(m)(1).

“(3)(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).”.

(2) 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, 2015, the Office, if so directed by the United States Postal Service, shall add not more than 2 years 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) The United States Postal Service shall ensure that the average actuarial present value of the additional liability of the United States Postal Service to the Fund resulting from additional creditable service provided under paragraph (1) or section 8332(p)(1) is not more than \$25,000 per employee provided additional creditable service under paragraph (1) or section 8332(p)(1).

“(3)(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 8423(b)(1)(B).”.

(c) GOALS.—

(1) IN GENERAL.—The Postal Service shall offer incentives for voluntary separation under this section and the amendments made by this section as a means of ensuring that the size and cost of the workforce of the Postal Service is appropriate to the work required of the Postal Service, including consideration of—

(A) the closure and consolidation of postal facilities;

(B) the ability to operate existing postal facilities more efficiently, including by reducing the size or scope of operations of postal facilities in lieu of closing postal facilities; and

(C) the number of employees eligible, or projected in the near-term to be eligible, for retirement, including early retirement.

(2) PERCENTAGE GOAL.—The Postal Service shall offer incentives for voluntary separation under this section to a sufficient number of employees as would reasonably be expected to lead to an 18 percent reduction in the total number of career employees of the Postal Service by the end of fiscal year 2015.

(3) DEFINITION.—In this subsection, the term “career employee of the Postal Service” means an employee of the Postal Service—

(A) whose appointment is not for a limited period; and

(B) who is eligible for benefits, including retirement coverage under chapter 83 or 84 of title 5, United States Code.

(d) FUNDING.—The Postal Service shall carry out subsection (a) and sections 8332(p) and 8411(m) of title 5, United States Code, as added by subsection (b) of this section, using funds made available under section 8423(b)(5)(C) of title 5, United States Code, as amended by section 101 of this Act.

##### SEC. 103. 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 2012”.

(b) POSTAL SERVICE RETIREE HEALTH BENEFITS FUND.—Section 8909a of title 5, United States Code, is amended—

(1) in subsection (d)—

(A) by striking paragraph (2) and inserting the following:

“(2)(A) Not later than 180 days after the date of enactment of the 21st Century Postal Service Act of 2012, or March 31, 2013, whichever is later, the Office shall compute, and by June 30 of each succeeding year, the Office shall recompute, a schedule including a series of annual installments which provide for the liquidation of the amount described under subparagraph (B) (regardless of whether the amount is a liability or surplus) by September 30, 2052, or within 15 years, whichever is later, including interest at the rate used in the computations under this subsection.

“(B) The amount described in this subparagraph is the amount, as of the date on which the applicable computation or recomputation under subparagraph (A) is made, that is equal to the difference between—

“(i) 80 percent of the Postal Service actuarial liability as of September 30 of the most recently ended fiscal year; and

“(ii) the value of the assets of the Postal Retiree Health Benefits Fund as of September 30 of the most recently ended fiscal year.”.

(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 “2013”;

(C) by amending paragraph (4) to read as follows:

“(4) Computations under this subsection shall be based on—

“(A) economic and actuarial methods and assumptions consistent with the methods and assumptions used in determining the Postal surplus or supplemental liability under section 8348(h); and

“(B) any other methods and assumptions, including a health care cost trend rate, that the Director of the Office determines to be appropriate.”; and

(D) by adding at the end the following:

“(7) In this subsection, the term ‘Postal Service actuarial liability’ means the difference between—

“(A) the net present value of future payments required under section 8906(g)(2)(A) for current and future United States Postal Service annuitants; and

“(B) the net present value as computed under paragraph (1) attributable to the future service of United States Postal Service employees.”; and

(2) by adding at the end the following:

“(e) Subsections (a) through (d) of this section shall be subject to section 104 of the 21st Century Postal Service Act of 2012.”.

#### **SEC. 104. POSTAL SERVICE HEALTH BENEFITS PROGRAM.**

(a) DEFINITIONS.—In this section—

(1) the term “covered employee” means an employee 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 Benefits 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) CONSULTATION WITH SUPERVISORY AND MANAGERIAL PERSONNEL.—In the course of negotiations under paragraph (1), the Postal Service shall consult with each of the organizations of supervisory and other managerial personnel that are recognized under section 1004 of title 39, United States Code, concerning the views of the personnel represented by each of those organizations.

(3) 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.

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

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

(1) shall—

(A) be available for participation by all covered employees;

(B) be available for participation by any officer or employee of the Postal Service who is not a covered employee, at the option solely of that officer or employee;

(C) provide adequate and appropriate health benefits;

(D) be administered in a manner determined in a joint agreement reached under subsection (b); and

(E) 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. 105. MEDICARE COORDINATION EFFORTS FOR POSTAL SERVICE EMPLOYEES AND RETIREES.**

(a) ADDITIONAL ENROLLMENT OPTIONS UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PLANS.—Chapter 89 of title 5, United States Code, is amended by inserting after section 8903b the following:

#### **“SEC. 8903c. COORDINATION WITH MEDICARE FOR POSTAL SERVICE EMPLOYEES AND 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 employee or annuitant’ means an individual who is—

“(A) an employee of the Postal Service; or

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

“(b) ENROLLMENT OPTIONS.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—For contract years beginning on or after January 1, 2014, the Office shall establish enrollment options for health benefits plans that are open only to Postal Service employees and annuitants, and family members of a Postal Service employee or annuitant, who are enrolled in Medicare part A and Medicare part B.

“(B) ADDITIONAL PLANS.—The enrollment options established under this subsection shall be in addition to any other health benefit plan or enrollment option otherwise available to Postal Service employees or annuitants under this chapter and shall not affect the eligibility of a Postal Service employee or annuitant for any another health benefit plan or enrollment option under this chapter.

“(2) ENROLLMENT ELIGIBILITY.—Any Postal Service employee or annuitant, or family member of a Postal Service employee or annuitant, who is enrolled in Medicare part A and Medicare part B may 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 for each plan available under section 8905, in combination with the value of coverage under Medicare part A and Medicare part B.

“(4) ENROLLMENT OPTIONS.—

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

“(i) an individual option, for Postal Service employees or annuitants enrolled in Medicare part A and Medicare part B;

“(ii) a self and family option, for Postal Service employees or annuitants and family members who are each enrolled in Medicare part A and Medicare part B; and

“(iii) a self and family option, for Postal Service employees or annuitants—

“(I) who are enrolled in Medicare part A and Medicare part B; and

“(II) the family members of whom are not enrolled in Medicare part A or Medicare part B.

“(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 any of 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 employees or annuitants, or family members of Postal Service employees or annuitants, who are enrolled in Medicare part A and Medicare part B; and

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

“(I) the premiums paid by the Postal Service employee or annuitant; and

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—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. Coordination with Medicare for Postal Service employees and annuitants.”

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to contract years beginning on or after January 1, 2014.

(d) SPECIAL ENROLLMENT PERIOD FOR POSTAL SERVICE EMPLOYEES AND ANNUITANTS.—

(1) SPECIAL ENROLLMENT PERIOD.—Section 1837 of the Social 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, as of the date of enactment of the 21st Century Postal Service Act of 2012, is a Postal Service employee or 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 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 1-year period beginning on July 1, 2013.

“(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.”

(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 (1)” and inserting “(i)(4), (1), or (m)”.

(e) EDUCATIONAL PROGRAM.—The Postmaster General, in consultation with the Director of the Office of Personnel Management and the Administrator of the Centers for Medicare & Medicaid Services, shall develop an educational program to encourage the voluntary use of 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.) (commonly known as “Medicare Part A”) and 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.) (commonly known as “Medicare Part B”) for eligible Postal Service employees and annuitants that may benefit from enrollment, the objective of which shall be to—

(1) educate employees and annuitants on how Medicare benefits interact with and can

supplement the benefits of the employee or annuitant under the Federal Employees Health Benefit Program; and

(2) reduce costs to the Federal Employees Health Benefit Program, beneficiaries, and the Postal Service by coordinating services with the Medicare program.

#### SEC. 106. ARBITRATION; LABOR DISPUTES.

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

(1) in paragraph (2)—

(A) by inserting “(A)” after “(2)”; and

(B) 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

(C) by adding at the end the following:

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

(2) by adding at the end the following:

“(4) Nothing in this section may be construed to limit the relevant factors that the arbitration board may take into consideration in rendering a decision under paragraph (2).”

### TITLE II—POSTAL SERVICES AND OPERATIONS

#### SEC. 201. MAINTENANCE OF DELIVERY SERVICE STANDARDS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “plant service area” means the geographic area served by a single sectional center facility, or a corresponding successor facility, as designated by the Postal Service; and

(2) the term “continental United States” means the 48 contiguous States and the District of Columbia.

(b) INTERIM MAINTENANCE OF STANDARDS.—During the 3-year period beginning on the date of enactment of this Act, the Postal Service—

(1) shall maintain the service standards described in subsection (c);

(2) may not establish a new or revised service standard for market-dominant products under section 3691 of title 39, United States Code, that is inconsistent with the requirements under subsection (c); and

(3) shall include in any new or revised overnight service standard established for market-dominant products under section 3691 of title 39, United States Code, a policy on changes to critical entry times at post offices and business mail entry units that ensures that any such changes maintain meaningful access to the services provided under the service standard required to be maintained under subsection (c).

(c) SERVICE STANDARDS.—

(1) OVERNIGHT STANDARD FOR FIRST-CLASS MAIL AND PERIODICALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Postal Service shall maintain an overnight service standard that provides overnight service for first-class mail and periodicals that—

(i) originate and destinate in the same plant service area; and

(ii) enter the mails before the critical entry time established and published by the Postal Service.

(B) AREAS OUTSIDE THE CONTINENTAL UNITED STATES.—The requirements of subparagraph (A) shall not apply to areas outside the continental United States—

(i) in the case of mail that originates or destinate in a territory or possession of the United States that is part of a plant service area having a sectional center facility that—

(I) is not located in the territory or possession; and

(II) was not located in the territory or possession on January 1, 2012; and

(ii) in the case of mail not described in clause (i), except to the extent that the requirements are consistent with the service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012.

(2) TWO-DAY DELIVERY FOR FIRST-CLASS MAIL.—The Postal Service shall maintain a service standard that provides that first-class mail not delivered overnight will be delivered within 2 delivery days, to the maximum extent feasible using the network of postal facilities maintained to meet the requirements under paragraph (1).

(3) MAXIMUM DELIVERY TIME FOR FIRST-CLASS MAIL.—

(A) IN GENERAL.—The Postal Service shall maintain a service standard that provides that first-class mail will be delivered—

(i) within a maximum of 3 delivery days, for mail that originates and destinate within the continental United States; and

(ii) within a maximum period of time consistent with service standards under part 121 of title 39, Code of Federal Regulations, as in effect on January 1, 2012, for mail originating or destinating outside the continental United States.

(B) REVISIONS.—Notwithstanding subparagraph (A)(ii), the Postal Service may revise the service standards under part 121 of title 39, Code of Federal Regulations for mail described in subparagraph (A)(ii) to take into account transportation conditions (including the availability of transportation) or other circumstances outside the control of the Postal Service.

#### SEC. 202. PRESERVING MAIL PROCESSING CAPACITY.

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’—

“(A) means any Postal Service facility that is primarily involved in the preparation, dispatch, or other physical processing of mail; and

“(B) does not include—

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

“(ii) 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 without closing the postal 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 without closing the postal facility has been completed;

“(II) an area mail processing study is in progress; or

“(III) 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 during a 45-day period after the notice of intention is provided under subparagraph (B);

“(D) before the 45-day period described in subparagraph (C), 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 in 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 to close or consolidate a postal facility, shall consider—

“(A) the views presented by interested persons under paragraph (3);

“(B) the effect of the closing or consolidation on the affected community, including any disproportionate impact the closing 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 closing 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 the final determination and the justification statement under paragraph (5) 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.

“(C) LIMITATIONS.—During the 3-year period beginning on the date of enactment of the 21st Century Postal Service Act of 2012, the Postal Service may not close or consolidate a postal facility if the closing or consolidation prevents the Postal Service from maintaining service standards as required under section 201 of the 21st Century Postal Service Act of 2012.

“(7) REVIEW BY POSTAL REGULATORY COMMISSION.—In accordance with section 3662—

“(A) an interested person may lodge a complaint with the Postal Regulatory Commission if the person believes that the closure or consolidation of a postal facility is not in conformance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012; and

“(B) if the Postal Regulatory Commission finds a complaint lodged by an interested person to be justified, the Commission shall order the Postal Service to take appropriate action to achieve compliance with applicable service standards, including the service standards established under section 201 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.

“(8) 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.

“(9) PROTECTION OF CERTAIN INFORMATION.—Nothing in this subsection may be construed to require the Postal Service to disclose—

“(A) any proprietary data, including any reference or citation to proprietary data; or

“(B) any information relating to the security of a postal facility.”

#### SEC. 203. ESTABLISHMENT OF RETAIL SERVICE STANDARDS.

(a) DEFINITION.—In this section, the term “retail postal service” means service that allows a postal customer to—

(1) purchase postage;

(2) enter packages into the mail; and

(3) procure other services offered by the Postal Service.

(b) ESTABLISHMENT OF RETAIL SERVICE STANDARDS.—Not later than 6 months 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.

(c) CONTENTS.—The service standards established under subsection (b) 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), and any updated or revised

plan developed under section 204 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) the importance of facilitating communications for communities with limited or no access to Internet, broadband, or cellular telephone services;

(C) population, including population density, demographic factors such as the age, disability status, and degree of poverty 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;

(D) 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);

(E) 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; and

(F) the ability of postal customers to access retail postal services in areas that were served by a post office that was closed or consolidated during the 1 year period ending on the date of enactment of this Act.

#### SEC. 204. EXPANDED RETAIL ACCESS.

(a) UPDATED PLAN.—Not later than 1 year after the date of enactment of this Act, the Postal Service shall, in consultation with the Commission, develop and submit to Congress a revised and updated version of the plan to expand and market retail access to postal services required under section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note).

(b) CONTENTS.—The plan required under subsection (a) shall—

(1) include a consideration of methods to expand and market retail access to postal services described in paragraphs (1) through (8) of section 302(d) of the Postal Accountability and Enhancement Act of 2006 (39 U.S.C. 3691 note);

(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 rural areas, communities, and small towns; and

(4) ensure that—

(A) rural areas, communities, and small towns 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.

(c) FURTHER UPDATES.—The Postal Service, in consultation with the Commission, shall—

(1) update the plan required under subsection (a) as the Postal Service determines is appropriate; and

(2) submit each update under paragraph (1) to Congress.

#### SEC. 205. PRESERVING COMMUNITY POST OFFICES.

(a) CLOSING POST OFFICES.—Section 404(d) of title 39, United States Code, is amended to read as follows:

“(d)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall—

“(A) consider whether—

“(i) to close the post office or consolidate the post office and another post office located within a reasonable distance;

“(ii) instead of closing or consolidating the post office—

“(I) to reduce the number of hours a day that the post office operates; or

“(II) to continue operating the post office for the same number of hours a day;

“(iii) to procure a contract providing full, or less than full, retail services in the community served by the post office; or

“(iv) to provide postal services to the community served by the post office through a rural carrier;

“(B) provide postal customers served by the post office an opportunity to participate in a nonbinding survey conducted by mail on a preference for an option described in subparagraph (A); and

“(C) if the Postal Service determines to close or consolidate the post office, provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

“(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

“(A) shall consider—

“(i) the effect of such closing or consolidation on the community served by such post office;

“(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(iv) the extent to which the community served by the post office lacks access to Internet, broadband and cellular phone service;

“(v) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(vi) such other factors as the Postal Service determines are necessary; and

“(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

“(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

“(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

“(5) A determination of the Postal Service to close or consolidate any post office, station, or branch may be appealed by any person served by such office, station, or branch to the Postal Regulatory Commission within 30 days after such determination is made available to such person. The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

“(B) without observance of procedure required by law;

“(C) not in conformance with the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

“(D) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

“(6) For purposes of paragraph (5), any appeal received by the Commission shall—

“(A) if sent to the Commission through the mails, be considered to have been received on the date of the Postal Service postmark on the envelope or other cover in which such appeal is mailed; or

“(B) if otherwise lawfully delivered to the Commission, be considered to have been received on the date determined based on any appropriate documentation or other indicia (as determined under regulations of the Commission).

“(7) Nothing in this subsection shall be construed to limit the right under section 3662—

“(A) of an interested person to lodge a complaint with the Postal Regulatory Commission under section 3662 concerning non-conformance with service standards, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012; or

“(B) of the Postal Regulatory Commission, if the Commission finds a complaint lodged by an interested person to be justified, to order the Postal Service to take appropriate action to achieve compliance with applicable requirements, including the retail service standards established under section 203 of the 21st Century Postal Service Act of 2012, or to remedy the effects of any noncompliance.”.

(b) PROHIBITION ON CLOSING POST OFFICES.—Notwithstanding section 404(d) of title 39, United States Code, as amended by this section, during the period beginning on the date of enactment of this Act and ending on the date on which the Postal Service establishes the retail service standards under section 203 of this Act, the Postal Service may not close a post office, except as required for the immediate protection of health and safety.

(c) HISTORIC POST OFFICES.—Section 404(d) of title 39, United States Code, as amended by this section, is amended by adding at the end the following:

“(8)(A) In this paragraph, the term ‘historic post office building’ means a post office building that is a certified historic structure, as that term is defined in section 47(c)(3) of the Internal Revenue Code of 1986.

“(B) In the case of a post office that has been closed and that is located within a historic post office building, the Postal Service shall provide Federal agencies and State and local government entities the opportunity to lease the historic post office building, if—

“(i) the Postal Service is unable to sell the building at an acceptable price within a reasonable period of time after the post office has been closed; and

“(ii) the Federal agency or State or local government entity that leases the building agrees to—

“(I) restore the historic post office building at no cost to the Postal Service;

“(II) assume responsibility for the maintenance of the historic post office building; and

“(III) make the historic post office building available for public use.”.

## SEC. 206. 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 within the continental United States (as defined in section 201(a)) 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 and the criteria described in 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.

(d) STATE LIAISON.—If the Postal Service does not maintain a district office in a State, the Postal Service shall designate at least 1 employee of the district office responsible for Postal Service operations in the State to represent the needs of Postal Service customers in the State.

## SEC. 207. 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), and in accordance with the solvency plan required under section 401 of the 21st Century Postal Service Act of 2012 and standards established by the Postal



Service, the Postal Service is authorized to, to the maximum extent feasible, convert door delivery points to—

- “(1) curblin 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 curblin 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 delivery 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) curblin 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 any cost savings, revenue loss, or decline in the value of mail resulting from the conversions from door delivery that occurred during the preceding fiscal year;

“(3) describes the progress of the Postal Service toward achieving the conversions authorized 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. 208. 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 delivery schedule of 5 or fewer days per week to street addresses under the authority of the Postal Service under 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 access 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, 207, and 211 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 achieve long-term 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 achieve long-term 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 increase revenue and reduce costs 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 achieve long-term 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)(i)(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 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 at postal retail facilities or processing facilities; or

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

(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, a

recognized Federal holiday, or any other specific day of the week; 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.

(c) **DEFINITION.**—In this section, the term “long-term solvency” means the ability of the Postal Service to pay debts and meet expenses, including the ability to perform maintenance and repairs, make investments, and maintain financial reserves, as necessary to fulfill the requirements and comply with the policies of title 39, United States Code, and other obligations of the Postal Service over the long term.

#### SEC. 209. 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 Commission receives the proposal, determine jointly.

“(3) **RESPONSE TO OPINION.**—The Postal Service shall submit to the President and to Congress a response to an advisory opinion issued under paragraph (2) that includes—

“(A) a statement of whether the Postal Service plans to modify the proposal to address any concerns or implement any recommendations made by the Commission; and

“(B) for any concern that the Postal Service determines not to address and any recommendation that the Postal Service determines not to implement, the reasons for the determination.

“(4) **ACTION ON PROPOSAL.**—The Postal Service 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 submits 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 receives a proposal under paragraph (2), determine jointly; or

“(C) after the date described in paragraph (2)(B), if—

“(i) the Postal Regulatory Commission 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)(i) or (4)(B).”

#### SEC. 210. 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”; and

(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. 211. 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 2012, 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, taking into consideration the extent to which the Postal Service will not, either by legal obligation or voluntarily, comply with any State or local requirements that are generally applicable to persons that provide the services;

“(iv) will be undertaken in accordance with all Federal laws generally applicable to the provision of such services; and

“(v) 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, or experimental product, as required under chapter 36 of title 39, United States Code;”;

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

(b) **COMPLAINTS.**—Section 3662(a) of title 39, United States Code, is amended by inserting “404(a)(6)(A),” after “403(c),”.

(c) **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)(v) 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.

#### SEC. 212. CHIEF INNOVATION OFFICER; INNOVATION STRATEGY.

(a) **CHIEF INNOVATION OFFICER.**—

(1) **IN GENERAL.**—Chapter 2 of title 39, United States Code, is amended by adding at the end the following:

##### “§ 209. Chief innovation officer

“(a) **ESTABLISHMENT.**—There shall be in the Postal Service a Chief Innovation Officer appointed by the Postmaster General.

“(b) **QUALIFICATIONS.**—The Chief Innovation Officer shall have proven expertise and a record of accomplishment in areas such as—

“(1) the postal and shipping industry;

“(2) innovative product research and development;



“(3) brand marketing strategy;  
 “(4) new and emerging technology, including communications technology; or  
 “(5) business process management.  
 “(c) DUTIES.—The Chief Innovation Officer shall lead the development and implementation of—

“(1) innovative postal products and services, particularly products and services that use new and emerging technology, including communications technology, to improve the net financial position of the Postal Service; and

“(2) nonpostal products and services authorized under section 404(a)(6) that have the potential to improve the net financial position of the Postal Service.

“(d) DEADLINE.—The Postmaster General shall appoint a Chief Innovation Officer not later than 90 days after the date of enactment of the 21st Century Postal Service Act of 2012.

“(e) CONDITION.—

“(1) IN GENERAL.—The Chief Innovation Officer may not hold any other office or position in the Postal Service while serving as Chief Innovation Officer.

“(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an individual who holds another office or position in the Postal Service at the time the individual is appointed Chief Innovation Officer from serving as the Chief Innovation Officer under this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 2 of title 39, United States Code, is amended by adding at the end the following:

“209. Chief innovation officer.”.

(b) INNOVATION STRATEGY.—

(1) INITIAL REPORT ON INNOVATION STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report that contains a comprehensive strategy (referred to in this subsection as the “innovation strategy”) for improving the net financial position of the Postal Service through innovation, including the offering of new postal and nonpostal products and services, to—

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

(B) MATTERS TO BE ADDRESSED.—At a minimum, the report on innovation strategy required under subparagraph (A) shall describe—

(i) the specific innovative postal and nonpostal products and services to be developed and offered by the Postal Service, including—

(I) the nature of the market demand to be satisfied by each product or service; and

(II) the estimated date by which each product or service will be introduced;

(ii) the cost of developing and offering each product or service;

(iii) the anticipated sales volume for each product or service;

(iv) the anticipated revenues and profits to be generated by each product or service;

(v) the likelihood of success of each product or service and the risks associated with the development and sale of each product or service;

(vi) the trends anticipated in market conditions that may affect the success of each product or service during the 5-year period beginning on the date of the submission of the report under subparagraph (A);

(vii) any innovations designed to improve the net financial position of the Postal Service,

other than the offering of new products and services; and

(viii) the metrics that will be used to assess the effectiveness of the innovation strategy.

(2) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the submission of the initial report containing the innovation strategy under paragraph (1), and annually thereafter for 10 years, the Postmaster General, acting through the Chief Innovation Officer, shall submit a report on the implementation of the innovation strategy to—

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

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

(B) MATTERS TO BE ADDRESSED.—At a minimum, an annual report submitted under subparagraph (A) shall include—

(i) an update of the initial report on innovation strategy submitted under paragraph (1);

(ii) a description of the progress made by the Postal Service in implementing the products, services, and other innovations described in the initial report on innovation strategy;

(iii) an analysis of the performance of each product, service, or other innovation described in the initial report on innovation strategy, including—

(I) the revenue generated by each product or service developed in accordance with the innovation strategy under this section and the cost of developing and offering each product or service for the preceding year;

(II) trends in each market in which a product or service is intended to satisfy a demand;

(III) each product or service identified in the innovation strategy that is to be discontinued, the date on which each discontinuance will occur, and the reasons for each discontinuance;

(IV) each alteration that the Postal Service plans to make to a product or service identified in the innovation strategy to address changing market conditions and an explanation of how each alteration will ensure the success of the product or service;

(V) the performance of innovations other than new products and services that are designed to improve the net financial position of the Postal Service; and

(VI) the performance of the innovation strategy according to the metrics described in paragraph (1)(B)(viii).

#### SEC. 213. STRATEGIC ADVISORY COMMISSION ON POSTAL SERVICE SOLVENCY AND INNOVATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Postal Service a Strategic Advisory Commission on Postal Service Solvency and Innovation (in this section referred to as the “Advisory Commission”).

(2) INDEPENDENCE.—The Advisory Commission shall not be subject to the supervision of the Board of Governors of the Postal Service (in this section referred to as the “Board of Governors”), the Postmaster General, or any other officer or employee of the Postal Service.

(b) PURPOSE.—The purpose of the Advisory Commission is—

(1) to provide strategic guidance to the President, Congress, the Board of Governors, and the Postmaster General on enhancing the long-term solvency of the Postal Service; and

(2) to foster innovative thinking to address the challenges facing the Postal Service.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Advisory Commission shall be composed of 7 members, of whom—

(A) 3 members shall be appointed by the President, who shall designate 1 member appointed under this subparagraph to serve as Chairperson of the Advisory Commission; and

(B) 1 member shall be appointed by each of—

(i) the majority leader of the Senate;

(ii) the minority leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Members of the Advisory Commission shall be prominent citizens having—

(A) significant depth of experience in such fields as business and public administration;

(B) a reputation for innovative thinking;

(C) familiarity with new and emerging technologies; and

(D) experience with revitalizing organizations that experienced significant financial challenges or other challenges.

(3) INCOMPATIBLE OFFICES.—An individual who is appointed to the Advisory Commission may not serve as an elected official or an officer or employee of the Federal Government while serving as a member of the Advisory Commission, except in the capacity of that individual as a member of the Advisory Commission.

(4) DEADLINE FOR APPOINTMENT.—Each member of the Advisory Commission shall be appointed not later than 45 days after the date of enactment of this Act.

(5) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Advisory Commission shall meet at the call of the Chairperson or a majority of the members of the Advisory Commission.

(B) QUORUM.—4 members of the Advisory Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy in the Advisory Commission shall not affect the powers of the Advisory Commission, but shall be filled as soon as practicable in the same manner in which the original appointment was made.

(d) DUTIES AND POWERS.—

(1) DUTIES.—The Advisory Commission shall—

(A) study matters that the Advisory Commission determines are necessary and appropriate to develop a strategic blueprint for the long-term solvency of the Postal Service, including—

(i) the financial, operational, and structural condition of the Postal Service;

(ii) alternative strategies and business models that the Postal Service could adopt;

(iii) opportunities for additional postal and nonpostal products and services that the Postal Service could offer;

(iv) innovative services that postal services in foreign countries have offered, including services that respond to the increasing use of electronic means of communication; and

(v) the governance structure, management structure, and management of the Postal Service, including—

(I) the appropriate method of appointment, qualifications, duties, and compensation for senior officials of the Postal Service, including the Postmaster General; and

(II) the number and functions of senior officials of the Postal Service and the number of levels of management of the Postal Service; and

(B) submit the report required under subsection (f).

## NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, April 18, 2012 at 10 a.m., in SD-430 Dirksen Senate Office Building to conduct a hearing entitled Effective Strategies for Accelerated Learning.

For further information regarding this meeting, please contact the committee on (202) 224-5501.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 19, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the impacts of sea level rise on domestic energy and water infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan\_Gins@energy.senate.gov.

For further information, please contact Kevin Rennert at 202-224-7826, Kelly Kryc at 202-224-0537 or Meagan Gins at 202-224-0883.

COMMITTEE ON HEALTH, EDUCATION, LABOR,  
AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, April 19, 2012 at 10 a.m., in SD-430 Dirksen Senate Office Building to conduct a hearing entitled Time Takes Its Toll: Delays in OSHA's Standard-Setting Process and the Impact on Worker Safety.

For further information regarding this meeting, please contact the committee on (202) 224-5441.

## COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 19, 2012, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building to conduct a legislative hearing on S. 1684, the Indian Tribal Energy Development and Self-Determination Act Amendments of 2011. Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled be-

fore the Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 26, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on weather related electrical outages.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan\_Gins@energy.senate.gov.

For further information, please contact Leon Lowery at 202-224-2209, or Meagan Gins at 202-224-0883.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Maria Worthen, Brendan Iglehart, and Andrea Jarcho of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT  
AGREEMENT—S. 1789

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that following morning business on Tuesday, April 17, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 1789, be agreed to; that the motion to reconsider be agreed to and that there be up to 10 minutes of debate, equally divided between the two leaders or their designees, on the motion to invoke cloture on the motion to proceed to S. 1789; that upon the use or yielding back of time, the Senate proceed to the cloture vote on the motion to proceed to S. 1789, upon reconsideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 17,  
2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate adjourn until Tuesday, April 17, at 10 a.m.; that following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Re-

publicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to invoke cloture on the motion to proceed to S. 1789, the postal reform bill, under the previous order; and that the Senate recess from 12:30 p.m. until 2:15 p.m., to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. WHITEHOUSE. Mr. President, I am advised to inform my colleagues that the first vote tomorrow will be at approximately 11:10 a.m. on the motion to invoke cloture on the motion to proceed to S. 1789.

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Tuesday, April 17, 2012, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## HARRY S TRUMAN SCHOLARSHIP FOUNDATION

INGRID A. GREGG, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE JOHN E. KIDDE, TERM EXPIRED.

JAMES L. HENDERSON, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2017, VICE JOHN PEYTON, TERM EXPIRED.

VICKI MILES-LAGRANGE, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2015, VICE ROGER L. HUNT, TERM EXPIRED.

MORRIS K. UDALL AND STEWART L. UDALL  
FOUNDATION

CHARLES P. ROSE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION FOR A TERM EXPIRING APRIL 16, 2017, VICE STEPHEN M. PRESCOTT, TERM EXPIRED.

## DEPARTMENT OF STATE

JAY NICHOLAS ANANIA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

GENE ALLAN CRETZ, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

SUSAN MARSH ELLIOTT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

DAVID J. LANE, OF FLORIDA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
BOARD

PATRICIA M. WALD, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD FOR A TERM EXPIRING JANUARY 29, 2019. (REAPPOINTMENT)

## CONFIRMATION

Executive nomination confirmed by the Senate April 16, 2012: