



**OFFICE OF
INSPECTOR GENERAL**
UNITED STATES POSTAL SERVICE

AUDIT REPORT

Preservation and Disposal of Historic Properties

April 16, 2014



Report Number SM-AR-14-004



April 16, 2014

**Preservation and Disposal of Historic
Properties**

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BACKGROUND:

The U.S. Postal Service Office of Inspector General (OIG) issued two reports on the U.S. Postal Service's contract with CBRE Group, Inc. This report, which addresses the Postal Service's historic properties, is the third in a series evaluating Postal Service real estate management. We are also assessing the Postal Service's valuation of real estate transactions, including historic properties, in a fourth audit. This report responds to congressional inquiries about whether the Postal Service complied with the regulations to preserve historic features and the regulations to relocate retail services.

Because of financial challenges, the Postal Service sold 22 historic properties of more than 8,500 owned properties from October 2010 through June 2013. It reported to the OIG that, as of July 2013, it had 25 historic properties listed for sale and was considering selling another 28.

The Advisory Council on Historic Preservation promotes the preservation of national historic resources and advises the president and Congress on national historic preservation policy. The Postal Service volunteered to report the status of its historic properties to the council every 3 years. The council will address the Postal Service's compliance with historic preservation regulations in a separate report to Congress.

The Postal Service has the authority to dispose of historic properties but must follow certain regulations for preserving their historic features. Additionally, the Postal Service must follow certain regulations for relocating retail services from all properties regardless of whether or not the property is historic. The two regulations are independent of each other.

Our objective was to determine whether the Postal Service effectively managed the preservation and disposal of historic properties. We also assessed whether the Postal Service followed regulations to preserve historic properties and regulations applicable to relocation of retail services. We reviewed nine historic properties during this audit, including the Bronx, NY, and La Jolla, CA, post offices.

WHAT THE OIG FOUND:

The Postal Service did not know how many historic properties it owned or what it cost to preserve them, as required by the National Historic Preservation Act. It did not report the status of historic artwork to the National Museum of American Art, as required by Postal Service Handbook RE-6, *Facilities and Environmental Guide*, when it sold 10 historic post offices.

The Postal Service did not collaborate with the Advisory Council on Historic Preservation to improve its compliance with the National Historic Preservation

Act and did not submit its 2011 status report to the council. The council could help the Postal Service establish covenants to protect historic features and help secure covenant holders to monitor compliance with those covenants. Also, the council could help review public requests to participate in the preservation process. The Postal Service could also use the U.S. General Services Administration — which employs experienced real estate and historical preservation professionals — to assist in the preservation process.

The vice president, Facilities, who approves funding for the relocation of retail services and disposal, also issues the final determination letter after reviewing appeals raised during the process. This gives the appearance of bias. Three of the nine relocations were appealed and he denied all three appeals.

The Postal Service appropriately applied relocation procedures rather than discontinuance procedures for all nine properties we reviewed. However, officials did not post the public meeting notification 7 days in advance for one property, as required, and could not show documentation that it met the relocation requirements for two properties.

WHAT THE OIG RECOMMENDED:

We recommended management reconcile the properties listed on the National Register of Historic Places to the properties listed in the facilities management system, develop a process to track expenditures for preserving historic properties, and notify the National Museum of American Art about the 10 sold post offices containing


historic art. Management should collaborate with appropriate organizations to improve the transparency of historic property preservation and submit the 2011 status report to the Advisory Council on Historic Preservation.

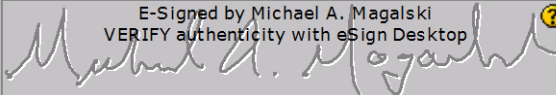
[Link to review the entire report](#)



April 16, 2014

MEMORANDUM FOR: TOM A. SAMRA
VICE PRESIDENT, FACILITIES

E-Signed by Michael A. Magalski
VERIFY authenticity with eSign Desktop 



FROM: Michael A. Magalski
Deputy Assistant Inspector General
for Support Operations

SUBJECT: Audit Report – Preservation and Disposal of Historic
Properties (Report Number SM-AR-14-004)

This report presents the results of our audit of the Preservation and Disposal of Historic Properties (Project Number 13YG027SM000).

We appreciate the cooperation and courtesies provided by your staff. If you have any questions or need additional information, please contact Monique P. Colter, director, Supply Management and Facilities, or me at 703-248-2100.

Attachment

cc: Corporate Audit and Response Management

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Introduction

This report presents the results of our audit of the Preservation and Disposal of Historic Properties (Project Number 13YG027SM000). The U.S. Postal Service Office of Inspector General (OIG) issued two reports on the U.S. Postal Service's contract with CBRE Group, Inc. (CBRE) This report, which addresses the Postal Service's historic properties, is the third in a series evaluating Postal Service real estate management. We are also assessing the Postal Service's valuation of real estate transactions, including historic properties, in a fourth audit. This report responds to congressional inquiries about whether the Postal Service complied with regulations to preserve historic features and to relocate retail services. Our objective was to determine whether the Postal Service effectively managed the preservation and disposal of historic properties. We assessed whether the Postal Service followed regulations to preserve historic properties and the regulations to relocate retail services. We reviewed nine historic properties during this audit, including the Bronx, NY, and La Jolla, CA, post offices. See [Appendix A](#) for additional information about this audit.

Because of financial challenges, the Postal Service sold 22 historic properties of more than 8,500 owned properties from October 2010 through June 2013. It reported to the OIG that as of July 2013, it had 25 historic properties listed for sale and was considering selling another 28.

The Advisory Council on Historic Preservation (ACHP) promotes the preservation of national historic resources and advises the president and Congress on national historic preservation policy. The Postal Service volunteered to report the status of its historic properties to the council every 3 years. The council will address the Postal Service's compliance with historic preservation regulations in a separate report to Congress.

The Postal Service has the authority to dispose of historic properties but must follow certain regulations for preserving their historic features including Section 106 of the National Historic Preservation Act (NHPA).¹ This section requires federal agencies to consider the effects of their proposed undertakings² on historic properties. If the agency finds that its undertaking could affect a historic property, it must assess possible adverse effects, collaborate with others to establish covenants to protect the historic character of the properties, and consider requests from the public to participate in the preservation process.

Additionally, the Postal Service must follow certain regulations for relocating its retail services from all properties regardless of whether or not the property is historic. In 1998, the Postal Service instituted Title 39 of the Code of Federal Regulations (CFR) Sections

¹ A law intended to preserve historical and archaeological sites in the U.S.

² A project, activity, or program funded, in whole or in part, under the direct or indirect control of a federal agency that can change the character or use of historic properties.

241.3³ and 241.4,⁴ which apply to discontinuance and relocation of retail services from post offices. This requires the Postal Service to solicit and consider public input before changing a retail service location.

Conclusion

The Postal Service did not know how many historic properties it owned or what it cost to preserve them, as required by the NHPA.⁵ It did not report the status of New Deal Art⁶ to the National Museum of American Art,⁷ as required by Postal Service policies,⁸ when it sold 10 historic post offices. Some of the Postal Service's policies regarding New Deal Art were unavailable to the public.

The Postal Service did not collaborate with the ACHP to improve its compliance with the NHPA and did not submit its 2011 status report to the council. The council could help the Postal Service develop a program to establish covenants to protect historic features and help secure covenant holders⁹ to monitor compliance with those covenants. The council could also help review public requests to participate in the preservation process. The Postal Service could also use the U.S. General Services Administration (GSA)¹⁰ — which employs experienced real estate and historical preservation professionals — to assist in the preservation process.

The vice president, Facilities, who approves funding for relocation of retail services and disposal, also issues the final determination letter after reviewing appeals raised during the process. This gives the appearance of bias. Three of the nine relocations were appealed and he denied all three appeals. The Postal Service appropriately applied relocation, rather than discontinuance, procedures for the nine properties we reviewed. However, officials did not post the public meeting notification 7 days in advance for one property and could not provide proper documentation that it met the relocation requirements for two properties.

³ 39 CFR Section 241.3, Discontinuance of Post Offices. This section applies when Post Office operations are permanently discontinued without providing a replacement facility or consolidated into a contractor-operated retail facility.

⁴ 39 CFR Section 241.4, Expansion, Relocation, and Construction of Post Offices. This section applies when the Postal Service contemplates the expansion, relocation, or new construction of a customer service facility, except when the project is to meet an emergency requirement or for temporary use.

⁵ Section 110 (a)(2), Federal Agencies' Responsibility to Preserve and Use Historic Properties, requires each agency to establish a preservation program to identify and protect historic properties.

⁶ Murals and sculptures commissioned from 1934 to 1944 under the U.S. Department of Treasury Section of Painting and Sculpture, Section of Fine Arts, and the Treasury Relief Arts Project, specifically for Postal Service facilities.

⁷ The National Museum of American Art is home to one of the largest and most inclusive collections of American art in the world.

⁸ Handbook RE-6, *Facilities and Environmental Guide*, Section 3-4.7.6.

⁹ A covenant holder is an organization, with the required resources, whose primary mission is to preserve, monitor, and enforce the covenant of a historic place. A covenant is the legal mechanism to protect properties that have historic, architectural, or archaeological significance and binds current and future owners to protect the historic character and values of the property.

¹⁰ The GSA helps manage and support the basic functioning of agencies, oversees the preservation of more than 480 historic buildings, and facilitates the government's purchase of goods and services from commercial vendors.

Management of Historic Properties

The Postal Service did not know how many historic properties it owned or what it cost to preserve them. The NHPA directs agencies to establish a program to consider historic features when managing and maintaining properties listed or eligible for listing on the National Register (NR) of Historic Places.¹¹ Also, the Postal Service did not report the status of New Deal Art to the National Museum of American Art, as required, when it sold 10 historic post offices. Some of the Postal Service's policies regarding New Deal Art were unavailable to the public.

List of Historic Properties

The Postal Service was unable to compile a list of the historic properties it owns. This occurred because the electronic Facilities Management System (eFMS)¹² did not contain all of the NR historic classifications; therefore, Facilities personnel could not accurately categorize historic properties in the system. Upgrades to eFMS corrupted links to historic property documents and images in the system, further hindering Facilities' ability to classify the historic eligibility of a property.¹³ Facilities personnel said they do not review the historic eligibility of a property unless it will be subject to an activity that could change the character or use of it. Without accurate data in eFMS, the Postal Service cannot proactively identify, manage, and protect the historic properties in its inventory.

Preservation Budget

The Postal Service could not identify funds spent to preserve the features of historic properties because it charged costs for preserving historic buildings to its general facilities repair and alterations account. The Postal Service's federal preservation officer (FPO)¹⁴ estimated the Postal Service spent several million dollars to preserve murals and historic features for fiscal years (FY) 2011 to 2013 but could not provide documentation to support the estimate. Postal Service personnel stated they have never separately tracked expenditures for preserving historic properties. They also said extracting such expenditures from their overall repairs and alterations expenditures would require them to research numerous projects and, because of limited resources, this would be impractical.

In addition, budget constraints have affected the Postal Service's ability to fund property repairs and alterations and have impacted the Postal Service's ability to maintain

¹¹ NR of Historic Places is the official list of national historic places worthy of preservation. The National Park Service (NPS) administers the NR.

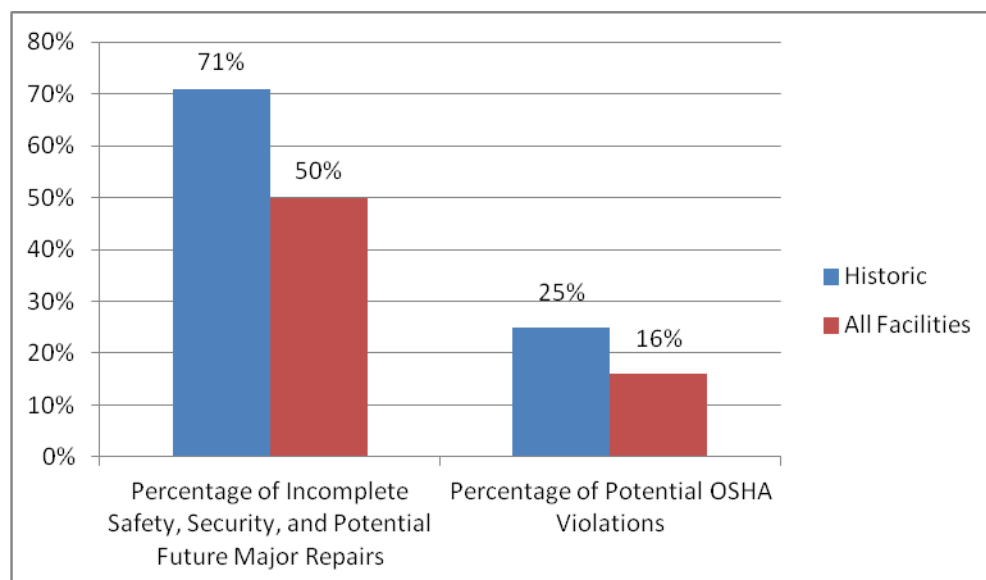
¹² The eFMS database is the official Postal Service's record for real property inventory used to manage all property-related projects including acquisition, disposal, and repairs.

¹³ Postal Service personnel said their Information Technology group has increased efforts to resolve the issue but has not estimated a completion date.

¹⁴ The FPO coordinates an agency's activities under the NHPA and must complete appropriate training to be qualified.

historic properties. For the universe of 75 historic properties sold, for sale, or potentially for sale between October 2010 and July 2013, the Postal Service did not complete 166 repairs during FYs 2011 to 2013. Of the incomplete repairs, 71 percent (118 of 166) were safety, security, and potential major issues estimated at \$1.8 million. In addition, 25 percent (41 of 166) were potential Occupational Safety and Health Administration (OSHA)¹⁵ violations, estimated at \$57,000 in fines. In comparison, 50 percent of incomplete repairs for all Postal Service facilities were safety, security, and potential major issues and 16 percent of them were potential OSHA violations (see Figure 1). Without a separate preservation budget, the Postal Service cannot track expenditures or emphasize the protection of historic properties.

Figure 1. Comparison of Percentages for Historic Properties FYs 2011 to 2013



Source: OIG analysis of Postal Service eFMS data as of December 2013 and in a prior report.¹⁶

New Deal Art

The Postal Service FPO did not notify the senior curator, National Museum of American Art, when the Postal Service sold 10 post offices¹⁷ containing New Deal Art between October 2010 and July 2013. Whenever the Postal Service loans out or relocates a New Deal mural or sculpture, the FPO is required to notify the senior curator at the National Museum of American Art. The Postal Service said that limited resources and pressing priorities caused the oversights. Without such notifications, the Postal Service is not transparent about the status and location of New Deal Art.

¹⁵ OSHA is the division of the U.S. Department of Labor that sets and enforces occupational health and safety rules.

¹⁶ *Spending Trends for Maintaining Postal Service Facilities* (Report Number [SM-AR-14-002](#), dated November 27, 2013).

¹⁷ Greenwich, CT; Palm Beach, FL; Naperville, IL; Bethesda, MD; Beaufort, NC; Erie, PA; Ukiah, CA; Venice, CA; Fairfield, CT; and Chelsea, MI.

Some Postal Service policies regarding New Deal Art were unavailable to the public. Of the three Postal Service policies about New Deal Art, Handbook RE-1 was the only one available on the Postal Service's website. It stated that no artwork may be removed, sold, lent, or otherwise disposed of without the FPO's express approval.¹⁸ The handbook¹⁹ also states that when a decision is made to dispose of a facility that contains New Deal Art, the contracting officer (CO) must initially decide on the disposition of the artwork. Also, because New Deal Art may contribute to the eligibility of a facility for inclusion in the NR, the CO must follow procedures in Section 106 of the NHPA. Postal Service personnel said the handbook was not available because they were revising it. The Postal Service also has requirements in place²⁰ detailing the parameters for relocating artwork under loan agreements.

According to the Postal Service, each policy has a different purpose and each refers to NHPA Section 106 concerns in connection with that purpose. However, because only one handbook related to New Deal Art was available, the public was not fully aware of how the Postal Service manages and handles it. By including all New Deal Art policies in Handbook RE-1, the Postal Service would increase transparency and public awareness of its responsibilities in this area.

Compliance with Preservation Regulations

The Postal Service did not collaborate with the ACHP to improve its preservation regulations compliance and did not submit its 2011 status report to the council. The Postal Service could also use the GSA — which employs experienced real estate and historical preservation professionals — to assist in the preservation process.

Advisory Council on Historic Preservation

The Postal Service has not developed a program alternative²¹ with the ACHP to help implement preservation regulations pertaining to Section 106 of the NHPA. The program alternative would make the initiation of the Postal Service's Section 106 process transparent, establish covenants to protect historic features, help secure covenant holders to monitor compliance with the covenants, and help review consulting party requests from the public to participate in the preservation process. In addition, the Postal Service could enhance transparency by submitting its 2011 Preserve America status report to the ACHP.

Initiation of the Section 106 Process. The Postal Service begins the Section 106 process once it considers disposing of a historic property. A program alternative with the ACHP would make the Postal Service's process transparent to the public and inform the public of the process for identifying potential disposals of historic properties.

¹⁸ Handbook RE-1, *U.S. Postal Service Facilities Guide to Real Property Acquisitions and Related Services*, Section 333.2.

¹⁹ Section 3-4.7.5.

²⁰ *Administrative Support Manual*, Section 517.124, Facilities and Equipment.

²¹ A program alternative is a streamlined set of procedures for implementing Section 106 of the NHPA on a large scale in lieu of standard building-by-building Section 106 consultation.

Establishing Covenants. A program alternative with the ACHP could help the Postal Service develop covenants to protect historic properties. The ACHP and the National Trust for Historic Preservation (NTHP)²² said the Postal Service's preservation covenant template language was inadequate. In December 2013, the ACHP sent a letter to the Postal Service stating that the Santa Monica, CA, Post Office covenant was insufficient because it included a clause that allows the city, following public notice, to modify or cancel covenant restrictions. The ACHP said this clause jeopardizes the long-term protection of the property's historic significance. Also, the NTHP, the New York State Historic Preservation Offices (SHPO), and the Postal Service collaboratively drafted language for the Bronx, NY, covenant. While the NTHP believes this covenant language is stronger than the original Postal Service template language, it is concerned because the covenant still contains a clause similar to the one developed for the Santa Monica, CA, Post Office. However, the Postal Service and covenant holders have approved the covenants for the Santa Monica, CA, and Bronx, NY, post offices.

Securing Covenant Holders. The Postal Service has had difficulty finding covenant holders. A covenant holder must have the required resources to preserve, monitor, and enforce the covenant of a historic place. The Postal Service is not in a financial position to fund the covenant holder and most SHPOs do not have the resources due to budget reductions. For example, the California SHPO refused to be a covenant holder and this required the Postal Service to find other agencies or agents for this role. The ACHP said it encouraged the Postal Service to work with the SHPOs, local or state preservation organizations, certified local governments (CLG),²³ or the NTHP to identify other entities that may be willing and able to hold covenants.

Consulting Party Requests. In some cases, the Postal Service granted consulting party status to local and state preservation organizations and CLGs; however, it rejected without explanation consulting party requests by community groups that have a vested interest.²⁴ For example, it denied requests for consulting party status to the Citizens to Save the Berkeley Post Office; the National Post Office Collaborate for the Berkeley, CA, Post Office; and the National Post Office Collaborate for the La Jolla, CA, and Bronx, NY, post offices. The ACHP said the Postal Service did not justify its decision to deny consulting status to requesting parties. Providing justifications would ease the public's concern about the lack of transparency in the Postal Service's Section 106 process.

In early 2012, the Postal Service initiated discussions with the ACHP about pursuing a program alternative. The ACHP stated that it would take 12 to 18 months to develop a

²² Chartered by Congress in 1949, the NTHP is a privately funded nonprofit organization that works to save America's historic places.

²³ The CLG program is a local, state, and federal government partnership for historic preservation designed to help cities and counties develop high standards of preservation to protect important historic properties. Local governments participating in the program act independently to develop and maintain a successful preservation program.

²⁴ Under 36 CFR Section 800, members of the public may ask to formally participate as consulting parties in the Section 106 review when they have demonstrated interest in the undertaking, either because of a legal or economic relation to the undertaking or property, or because of their concern regarding effects of the undertaking on historic properties. The agency, in consultation with the SHPO, shall consider all such requests.

program alternative. However, the Postal Service was involved in immediate disposal actions at the time and decided it would be quicker to interact directly with the SHPOs. A Postal Service contractor said completion of the Section 106 compliance process for each historic property involves consultation and negotiation with SHPOs, local governments, individuals, organizations, and the public and places tremendous time and cost pressures on the Postal Service FPO and real estate specialists.²⁵ The ACHP informed the Postal Service in writing that a program alternative was preferable to completing the Section 106 process on a case-by-case basis.²⁶ The program alternative would provide additional resources to help the Postal Service implement the Section 106 process and increase transparency.

2011 *Preserve America* Report. The Postal Service has not issued its final 2011 *Preserve America* report to the ACHP. It submitted a draft report but it is not available to the public. The Postal Service said the FPO has not had time to complete the report because of more pressing priorities. The Postal Service said it voluntarily complies with Executive Order (EO) 13287²⁷ and, if it decides to complete the 2011 report, it estimated it would do so by the end of the second quarter, FY 2014. Without the *Preserve America* report, the public is not privy to the status of the Postal Service's efforts to identify, use, and protect its historic properties.

General Services Administration

The Postal Service could use GSA's knowledge, expertise, and assistance to implement the Section 106 process to preserve historic properties. For example, GSA could train and guide Postal Service employees and potential buyers on the preservation process and federal and state tax credits for rehabilitating buildings listed on the NR or eligible for listing. The need for this training was identified in the October 2012 URS Group, Inc. study. In December 2011, GSA and the Postal Service entered into a memorandum of agreement²⁸ for disposal assistance and other real property services; however, the Postal Service has only used GSA to market properties it was unable to sell.

The Postal Service stated it wants to retain control of the Section 106 compliance process and not delegate control to GSA because, ultimately, the Postal Service is responsible for meeting its Section 106 obligations. However, collaborating with GSA would enable the Postal Service to better meet these obligations, demonstrate its commitment to historic preservation, and increase public trust as it relates to providing information and guidance concerning historic properties.

²⁵ *USPS Nationwide Historic Context Study: Postal Facilities Constructed or Occupied Between 1940 and 1971*, dated October 2012, prepared by URS Group, Inc. for the Postal Service.

²⁶ Letters from the ACHP to the postmaster general, dated June 12, 2012, and a Postal Service attorney, dated January 10, 2013.

²⁷ Requires agencies to report to the council every 3 years on its progress in identification, protection, and use of its historic properties.

²⁸ The December 2011 *Memorandum of Agreement between the Postal Service and GSA for Real Property Related Services* states that the GSA will work on a reimbursable basis to provide disposal assistance and other real property services to the Postal Service.

Compliance with Relocation Regulations

The Postal Service appropriately applied relocation, rather than discontinuance, procedures for the nine properties we reviewed. However, the vice president, Facilities, who approves funding for relocation of retail services and disposals, also issues the final determination letter after reviewing any appeals raised during the process. This results in the appearance of bias. Also, Postal Service officials did not post the public meeting notification 7 days in advance for one property and could not provide proper documentation to show it met the relocation requirements for two properties. The OIG will address these issues in another audit that assesses the Postal Service's relocation process for retail services; therefore, we did not make recommendations pertaining to the process.

Appearance of Bias

Under relocation procedures, the Postal Service's vice president, Facilities, issues the final determination letter after reviewing any appeals raised during the process. Three of the nine property relocations were appealed²⁹ and he denied all three. The vice president manages Postal Service real estate and is tasked with generating revenue and reducing costs by consolidating and disposing of excess space. This raises the question of bias because the vice president, Facilities, is also involved in the process that generates the appeals.

Public Notification

Postal Service personnel met to obtain public input on relocating retail services for the nine properties we reviewed. However, they did not post the meeting notification 7 days in advance for one property and we could not determine whether the Postal Service followed requirements for two other properties.

The Postal Service did not follow the 7-day advance notice requirement³⁰ for the public meeting for the Venice, CA, Post Office, only giving the public 5 days' notice. Postal Service personnel said this occurred because it was the district's first relocation and the district initially treated the action as a discontinuance instead of a relocation. For the Greenwich, CT, Post Office, we could not determine whether the Postal Service followed the 7-day advance notice requirement, followed the 15-day period requirement for public comment,³¹ or issued a final decision notice.³² For the Palm Beach, FL, Post Office, we could not determine whether the Postal Service issued an initial decision notice.³³

²⁹ Venice, CA; La Jolla, CA; and Bronx, NY, post offices.

³⁰ 39 CFR Section 241.4(c)(4)(i) requires the Postal Service to post a public notice of a public meeting at least 7 days before the meeting.

³¹ 39 CFR Sections 241.4(c)(4)(iii) and (c)(5) require the Postal Service to provide the public with not less than a 15-day comment period after the public meeting.

³² 39 CFR Section 241.4(c)(6) requires the Postal Service to provide a final decision notice on relocation of a Post Office at least 15 days after the appeal period ends if appeals are received.

³³ 39 CFR Section 241.4(c)(5) requires the Postal Service to decide on relocation and notify local officials and post a copy of the notification letter in the local Post Office for the public.

The Postal Service did not provide documentation to support these actions because it does not have clear guidance on record retention and content for public notifications. Without 7 days' notice, the public does not have enough time to plan for a meeting. In addition, if it does not maintain relocation documents, the Postal Service cannot verify it followed regulations and provided the public an opportunity to convey comments and concerns.

Recommendations

We recommend the vice president, Facilities:

1. Reconcile Postal Service-owned properties listed on the National Register of Historic Places to the properties in the electronic Facilities Management System to improve the quality and accuracy of data recorded in the system and ensure related documents and images are electronically accessible in the system.
2. Develop a process to track expenditures for the preservation of historic properties to establish a baseline for future preservation budgets for historic properties.
3. Require the federal preservation officer to notify the senior curator of the National Museum of American Art of the status of the New Deal Art in the 10 historic post offices that were sold between October 2010 through July 2013.
4. Develop and implement a process to ensure the federal preservation officer notifies the senior curator of the National Museum of American Art when New Deal Art is loaned or relocated.
5. Include all policy related to New Deal Art in Handbook RE-1, *U.S. Postal Service Facilities Guide to Real Property Acquisitions and Related Services*.
6. Develop and implement a program alternative with the Advisory Council on Historic Preservation.
7. Finalize and submit the 2011 *Preserve America* report to the Advisory Council on Historic Preservation.
8. Assess the cost and benefits of utilizing U.S. General Services Administration's services when a historic property is being considered for sale.

Management's Comments

Management agreed with recommendations 1, 2, 3, 4, 5, 7, and 8; and did not state whether they agreed or disagreed with recommendation 6 and all of the findings. Management stated the Postal Service continuously optimizes its facilities network and the sale of historic properties to date have been modest. In addition, management

stated they anticipate the modest pace of disposals will not increase in the near term. Management recommended we limit the report to historic preservation and disposals and address our relocation findings in a separate audit on relocation compliance. Management is concerned that including relocation findings in this report may create confusion because regulations governing historical preservation and regulations governing relocation are completely independent of each other.

Management stated the Postal Service owns about 9,000 properties and has a process for identifying historic properties and ensuring compliance with preservation regulations when it begins an undertaking with respect to a property. Management further stated they were not aware of any failure to identify a property as historic prior to its disposal or any failure to follow the regulatory process prior to disposing of a historic property. Management agreed the ACHP could help the Postal Service protect and preserve historic properties and will again request their assistance, but stated that ACHP assistance has been limited in the past. Management also stated the Postal Service's preservation covenant is sufficient to protect historic features of properties, including the covenants for the Santa Monica, CA, and Bronx, NY, post offices.

Regarding recommendation 1, management agreed to reconcile the Postal Service-owned properties listed on the NR to the properties in the eFMS by December 31, 2014.

Regarding recommendation 2, management agreed to develop a process to track expenditures for preserving historic properties that establishes a baseline for future preservation budgets for historic properties by June 30, 2014.

Regarding recommendation 3, management agreed to require the FPO to notify the senior curator of the National Museum of American Art of the status of New Deal Art in the 10 historic post offices the Postal Service sold between October 2010 and July 2013 by May 1, 2014.

Regarding recommendation 4, management agreed to develop and implement a process to ensure the FPO notifies the senior curator of the National Museum of American Art when New Deal Art is loaned or relocated by May 30, 2014.

Regarding recommendation 5, management agreed to include all policy related to New Deal Art in Handbook RE-1 by September 30, 2014.

Regarding recommendation 6, management stated the Postal Service previously discussed a program alternative with the ACHP and both concluded the benefits would not justify the resources required given the anticipated modest number of disposals of historic properties. Management stated they will continue to monitor the volume and pace of historic property disposals and, if it increases significantly, will seek another discussion with the ACHP. As a result, management did not provide a target implementation date for this recommendation.

Regarding recommendation 7, management agreed to finalize and submit the 2011 *Preserve America* report to the ACHP by July 31, 2014.

Regarding recommendation 8, management agreed to request information and proposals from the GSA for its services; however, they stated they were unable to estimate a date for completing the assessment until the Postal Service receives the information from the GSA. See [Appendix B](#) for management's comments, in their entirety.

Evaluation of Management's Comments

The OIG considers management's comments responsive to recommendations 1, 2, 3, 4, 5, and 7 and the corrective actions should resolve the issues identified in the report. We cannot accommodate management's request to limit the report to historic preservation and disposals and address relocation findings in a separate audit because congressional and public inquiries about the sale of historic properties also included concerns about whether the Postal Service was following regulations for relocating retail services. In addition, all nine historic properties we reviewed contained retail services that were either relocated or being considered for relocation.

Regarding management's response to recommendation 6, our recent discussions with ACHP revealed that a program alternative would be in the Postal Service's best interest. While we believe the Postal Service should take advantage of this resource to help implement the Section 106 process and increase transparency, we do not plan to pursue this recommendation through the formal audit resolution process. The significant recommendation will be closed with the issuance of this report.

Regarding management's response to recommendation 8, they should provide the OIG with the dates they request and receive information from the GSA. Upon the latter notification, management should provide an estimated completion date for assessing the cost and benefits of using the GSA's services.

The OIG considers all the recommendations significant, and therefore requires OIG concurrence before closure. Consequently, the OIG requests written confirmation when corrective actions are completed. These recommendations should not be closed in the Postal Service's follow-up tracking system until the OIG provides written confirmation that the recommendations can be closed.

Appendix A: Additional Information

Background

The NR is the official list of the nation's historic properties worthy of preservation. The federal government transferred many of these properties and historic artwork to the Postal Service when it became an independent agency in 1971. Because of its current financial condition, the Postal Service has closed and sold post offices. It has the authority to do so but is required to follow procedures that include considering public input and preserving the historical features of properties and any associated historic artwork.

In 1982, the Postal Service Board of Governors issued a resolution that the Postal Service would voluntarily comply with Sections 106, 110, and 111 of the NHPA. In 1998, the Postal Service implemented 39 CFR Section 241.4, which applies to relocation of retail services from post offices. It also requires the Postal Service to comply with Section 106 of the NHPA and EOs 12072 and 13006. Section 106 requires federal agencies to consider the effects of their proposed undertakings on historic properties. If the agency determines the undertaking could affect a historic property, it must assess possible adverse affects. EO 12072 directs federal agencies to give first consideration to centralized business community areas when filling space needs to strengthen the nation's cities and to make them attractive places to live and work. EO 13006 states the federal government should use and maintain, whenever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas. Each federal agency shall seek appropriate partnerships with states, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program.

Compliance with Sections 110 and 111 of the NHPA was not mandated in 39 CFR 241.4 but compliance requirements were incorporated into internal policies, such as Postal Service Handbook RE-6; therefore, the Postal Service's compliance with Sections 110 and 111 is voluntary. Section 110 directs each agency to establish a preservation program to identify, evaluate, nominate, and protect historic properties and designate an FPO who coordinates the agency's activities following the NHPA. Section 111 allows a federal agency to lease or exchange a historic property if the agency determines that the lease or exchange will adequately ensure the preservation of the historic property.

Some congressional members were concerned by reports the Postal Service was attempting to sell many of its historic properties without regard for their preservation and may not be following the law when doing so. In addition, individuals and public interest groups have expressed numerous concerns about the Postal Service's processes.

Objective, Scope, and Methodology

Our objective was to determine whether the Postal Service effectively managed the preservation and disposal of historic properties. We assessed whether the Postal Service followed regulations to preserve historic properties and relocate retail services. Our audit scope of 75 historic properties was comprised of 22 historic properties sold from FYs 2011 to 2013, 25 historic properties for sale, and 28 historic properties being considered for sale as of July 2013. To accomplish our objective, we:

- Selected a judgmental sample of nine historic properties, including three sold properties, three properties for sale, and three properties being considered for sale. The sample properties are listed in Table 1.

Table 1. Sample Properties

Category as of July 2013	Sites		
Sold	Palm Beach, FL	Venice, CA	Greenwich, CT
Currently For Sale	Northfield, MN	San Rafael, CA	New London, CT
Considered For Sale	La Jolla, CA	Bronx, NY	Annapolis, MD

Source: OIG selections from the Postal Service's universe of historic properties.

- Visited the Bronx, NY; Northfield, MN; San Rafael, CA; La Jolla, CA; Fernandina Beach, FL; and New London, CT, post offices.
- Analyzed documents from the Postal Service for the nine judgmentally selected historic properties to determine compliance with Postal Service policies and regulations regarding relocations of retail service from historic properties.
- Analyzed data for the universe of historic properties from the annual priority list and repair calls not completed in the Facilities Single Source Provider (FSSP)³⁴ system for FYs 2011 to 2013 to identify safety and security issues, potential OSHA violations, lack of preventative maintenance, and future major repairs. We also reviewed the status of repairs and the repair history of applicable buildings in the eFMS.
- Interviewed members of the ACHP and NTHP regarding the Postal Service's historic preservation and disposal programs.
- Interviewed members of the public who contacted us with concerns regarding the Postal Service's historic preservation and disposal programs.

³⁴ The FSSP system is administered by the Facilities organization and was established for Postal Service personnel to record facility-related repairs and alterations. FSSP call centers respond to Postal Service facility repair and alteration needs, which are categorized as emergency, urgent, or routine.

- Consulted with the Postal Service OIG's Office of General Counsel regarding Postal Service policies and procedures pertaining to historic properties.
- Interviewed Postal Service Headquarters Facilities personnel to determine why the 2011 *Preserve America* report is late and whether there are plans to develop a comprehensive program to identify and evaluate historic properties that may be affected by the Postal Service's undertakings, as required by Section 110 of the NHPA. We also discussed with Postal Service personnel their collaboration with the ACHP, NTHP, and GSA.
- Identified historic post offices the Postal Service sold from October 2010 through June 2013 that contained New Deal Art and interviewed the FPO to determine whether the senior curator of the National Museum of American Art was notified when the art was loaned or relocated upon the sale of the post offices.
- Reviewed documents pertaining to the National Environmental Protection Act (NEPA)³⁵ reviews and categorical exclusions, if claimed, to determine whether they were documented but did not evaluate the validity of the reviews and categorical exclusions.

We conducted this performance audit from July 2013 through April 2014 in accordance with generally accepted government auditing standards and included such tests of internal controls as we considered necessary under the circumstances. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. We discussed our observations and conclusions with management on March 25, 2014, and included their comments where appropriate.

To conduct this review, we relied on computer-processed data in the Enterprise Data Warehouse (EDW)³⁶ and eFMS. We did not test the validity of controls over these systems. However, we determined the accuracy of the data by comparing the data to the problem detail and baseline reports. We determined that the data were sufficiently reliable for the purposes of this report.

We did not assess whether the Postal Service complied with Section 111 of the NHPA, which allows a federal agency to lease or exchange a historic property if the agency determines that the lease or exchange will adequately ensure the preservation of the historic property.

³⁵ The NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.

³⁶ The EDW is a single repository for managing the Postal Service's corporate data assets.

Prior Audit Coverage

Report Title	Report Number	Final Report Date	Monetary Impact (in millions)
<i>Management Alert – Risks Associated With CB Richard Ellis, Inc. Contract</i>	SM-MA-14-003	2/12/2014	None
<p>Report Results: As a result of our audit and ongoing concerns surrounding the CBRE contract, we identified additional information that increased the financial risks to the Postal Service. Specifically, Postal Service officials modified the contract in June 2012 to allow CBRE to negotiate on behalf of the Postal Service as well as prospective buyers and lessors in the same real estate transaction. Management disagreed with our recommendation to discontinue the practice.</p>			
<i>Contracting of Real Estate Management Services</i>	SM-AR-13-001	6/12/2013	\$1.7
<p>Report Results: Postal Service Facilities officials should improve oversight to mitigate inherent risks associated with the CBRE contract. Specifically, there are conflict of interest concerns and no maximum contract value. In addition, the CO did not properly approve contract payments, appoint CO's representatives to monitor contract performance, or ensure services were provided. As a result, it is difficult for the Postal Service to determine whether the outsourcing effort has been or will be effective in reducing costs. Management agreed with our recommendations to establish a reasonable maximum contract value based on historical budgets and designate CO's representatives and specify their duties to monitor contract performance and approve payments.</p>			

Report Title	Report Number	Final Report Date	Monetary Impact (in millions)
<i>Improved Data Needed to Strategically Manage Historic Buildings, Address Multiple Challenges</i>	GAO-13-35	12/11/2012	None
<p>Report Results: The Government Accountability Office (GAO) recommended the GSA — in collaboration and consultation with the NPS, Veterans Affairs, and Federal Real Property Council (FRPC)³⁷ member agencies, and others — should ensure that the action plan being developed to improve Federal Real Property Profile (FRPP)³⁸ also addresses the need for improved data on historic buildings. The GSA agreed with the GAO’s recommendation and further reported that it has, in part, already taken action to rectify inconsistencies the GAO found between GSA’s FRPP data and its internal data sources.</p>			
<i>Strategic Partnerships and Local Coordination Could Help Agencies Better Utilize Space</i>	GAO-12-779	7/25/2012	None
<p>Report Results: The GAO recommended the OMB work with FRPC and the Postal Service to, among other things, lead the creation of strategic partnerships between GSA and other property-owning federal agencies with less experience sharing real property and establish a mechanism (including the Postal Service) for local coordination to improve coordination and identify specific opportunities to share space. The OMB, GSA, and Postal Service generally agreed with the recommendations. The Postal Service stated that it needs to maintain flexibility during these extreme times of uncertainty due to ongoing financial challenges and consolidation efforts and it has every intention of cooperating with the spirit of the GAO’s initiatives; however, it must ultimately make decisions based on best value and best results for the Postal Service.</p>			

³⁷ The FRPC is comprised of certain executive branch agencies including the departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs; the, Environmental Protection Agency; National Aeronautics and Space Administration; U.S. Agency for International Development; GSA; National Science Foundation; Nuclear Regulatory Commission; Office of Personnel Management; Small Business Administration; and the Social Security Administration. The FRPC is chaired by the deputy director for Management of the Office of Management and Budget (OMB). The FRPC was established by EO 13327, *Federal Real Property Asset Management*, 69 *Federal Register* 5897 (February 6, 2004). The order does not apply to the Postal Service.

³⁸ FRPP is a comprehensive and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security, in accordance with EO 13327.

Appendix B: Management's Comments

TOM A. SAMRA
VICE PRESIDENT, FACILITIES



April 11, 2014

JUDITH LEONHARDT
DIRECTOR, AUDIT OPERATIONS
OFFICE OF INSPECTOR GENERAL

SUBJECT: Draft Audit Report – Preservation and Disposal of Historic Properties
Draft Audit Report Number SM-AR-14-DRAFT

Thank you for the opportunity to review and comment on the above referenced draft Audit Report. Management appreciates the Office of Inspector General's (OIG) undertaking this audit because the Postal Service, itself an historical institution, highly values its historic properties and places great importance on its compliance with applicable provisions of the National Historic Preservation Act (NHPA). Management appreciates the fact that the Audit Report affirms that the Postal Service follows applicable provisions of the NHPA in its disposal process. Management agrees with the OIG's recommendations, which will help the Postal Service improve its data management, budgeting and reporting with respect to its historic properties.

The Postal Service manages a portfolio of over 32,000 properties, including approximately 9,000 owned properties, to ensure efficient and economical delivery of the mail to every American household. As the Postal Service continuously optimizes its facilities network, it will occasionally dispose of an historic property – 7 disposals occurred in 2012 and 6 disposals in 2013. The Postal Service completed these disposals in accordance with law and in a manner to ensure the preservation of the historic features of the property. The Postal Service does not anticipate any change in volume of such disposals in the near term. The Postal Service also appreciates the OIG's recognition of the dire financial conditions of the Postal Service, which receives no tax dollars for its operations; because prompt Congressional action addressing the Postal Service's financial constraints will assist the Postal Service in its preservation of historical properties.

Because the OIG has not concluded its separate audit of the Postal Service's compliance with regulations applicable to relocations, Management recommends that the OIG limit the final version of the Audit Report to historic preservation and disposals, and separately address relocation findings in the future relocation compliance audit report. Management is concerned that including relocation findings may create confusion in the minds of the public and others who may read this report, given that the regulations governing historic preservation and regulations governing the relocation process are completely independent of each other. Management will reserve its comments on this report's findings related to relocation, pending receipt of the OIG's relocation compliance audit report.

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Management believes the Audit Report on Preservation and Disposal of Historic Properties should be reviewed in the context of two important facts:

- **Disposals of historic properties have been very modest: 7 in 2012 and 6 in 2013.**
- **Management anticipates the modest pace of disposals will not increase in the near term.**

In section A below, Management has addressed several of OIG's findings. In section B below, Management has addressed the OIG recommendations.

A. OIG Draft Audit Report Findings.

1. The Postal Service did not know how many historic properties it owned or what it cost to preserve them, as required by the National Historic Preservation Act.

Management Response: As explained above, the Postal Service manages a portfolio of over 32,000 properties to ensure efficient and economical delivery of the mail to every American household. Of those properties, approximately 9,000 are owned by the Postal Service. The Postal Service has a process in place to examine and identify which of those 9,000 properties are historic, as defined by the NHPA. Whenever the Postal Service begins an undertaking with respect to a property, whether it is a disposal or a repair, the Postal Service determines if the property is historic, and if so, then the Postal Service completes the Section 106 regulatory process. The sales of historic properties to date have been modest—6 or 7 properties a year in the last two years. Management anticipates a similar modest pace of sales of historic properties in the near future. With respect to repairs, the Postal Service has a process to evaluate its properties and make such repairs as necessary to preserve the historic features. The Postal Service is not aware of any failure to identify a property as historic prior to its disposal or any failure to undertake the 106 regulatory process prior to disposing of an historic property.

2. The Postal Service did not collaborate with the Advisory Council on Historic Preservation (ACHP) to improve its compliance with the National Historic Preservation Act. The ACHP could help the Postal Service establish covenants to protect historic features and help secure covenant holders to monitor compliance with those covenants. Also, the ACHP could help review public requests to participate in the preservation process.

Management Response: Management agrees that the ACHP could help the Postal Service with its efforts to protect and preserve its historic properties, and will again request such assistance from the ACHP. To date, the ACHP's assistance in securing covenant holders has been limited to referring the Postal Service to the state historic preservation officers, to the National Trust, and to Certified Local Governments. When we recently invited the ACHP to participate in consultations under Section 106 of the NHPA in connection with the anticipated disposition of the Bronx Post Office, the ACHP declined to participate. Its assistance in reviewing public participation requests has been limited to forwarding the request letters to the Postal Service, along with the ACHP's own request to be informed of the Postal Service's decision on the request. Management will continue to pursue assistance from the ACHP.

3. The ACHP and the National Trust for Historic Preservation said the Postal Service's preservation covenant template language was inadequate.

Management Response: The Postal Service believes that its preservation covenant is sufficient to protect historic features of Postal Service properties, which is supported by a review of the facts for the two examples cited in the Audit Report, Santa Monica and

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the Bronx. The ACHP stated that the Santa Monica covenant was insufficient because it included a clause that permitted the covenant holder, the City of Santa Monica, following public notice, to modify the covenant. However, the ACHP did not take into account that (1) the covenant holder is a certified local government, selected by the California State Historic Preservation Office (SHPO) to enforce state and local laws and regulations for the designation and protection of historic properties consistent with the National Historic Preservation Act; (2) by local ordinance, any changes to the historic Postal Service property must be approved by an historic preservation review commission; (3) the SHPO is required to monitor the performance of the covenant holder and if the covenant holder does not perform satisfactorily, the SHPO may decertify the covenant holder; and (4) in addition to the protections of the covenant, the Postal Service consented to designating the property as a local landmark, providing the property with additional protections. With respect to the Bronx Main Post Office covenant, although the ACHP objected to a particular clause, all of the consulting parties and the NY State Historic Preservation Office approved it and agreed with the Postal Service that with the covenant in place, the sale of the Bronx Main Post Office will have no adverse effect on the historic property.

B. OIG Draft Audit Report Recommendations.

1. Reconcile Postal Service-owned properties listed on the National Register of Historic Places to the properties in the electronic Facilities Management System to improve the quality and accuracy of data recorded in the system and ensure related documents and images are electronically accessible in the system.

Management Response: Management agrees with the recommendation and will implement this recommendation by December 31, 2014.

2. Develop a process to track expenditures for the preservation of historic properties to establish a baseline for future preservation budgets for historic properties.

Management Response: Management agrees with the recommendation and will implement this recommendation by June 30, 2014.

3. Require the federal preservation officer to notify the senior curator of the National Museum of American Art of the status of the New Deal Art in the 10 historic post offices that were sold between October 2010 through July 2013.

Management Response: Management agrees with the recommendation and the Postal Service will complete it by May 1, 2014.

4. Develop and implement a process to ensure the federal preservation officer notifies the senior curator of the National Museum of American Art when New Deal Art is loaned or relocated.

Management Response: Management agrees with the recommendation and will implement this recommendation by May 30, 2014.

5. Include all policy related to New Deal Art in the Handbook RE-1 U.S. Postal Service Facilities Guide to Real Property Acquisitions and Related Services.

Management Response: Management agrees with the recommendation. Management estimates completing this recommendation by regulatory process not later than September 30, 2014.

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6. Develop and implement a program alternative with the Advisory Council on Historic Preservation.

Management Response: The Postal Service has previously discussed a program alternative with the ACHP and concluded that the foreseeable benefits would not justify the resources required, given the anticipated modest number of disposals. In the past the ACHP suggested a programmatic agreement may be preferable to completing the Section 106 process on a case-by-case basis, based on the ACHP's assuming that there would be a large number of disposals. However, once the ACHP understood the actual volume of disposals of historic properties, the ACHP in July of 2013, told its members that "the volume and pace of disposals has been manageable for all parties" and told the Postal Service that Section 106 compliance for disposals on a case-by-case basis is acceptable, given the current volume of disposals. Management will continue to monitor the volume and pace of historic properties disposals, and if it increases significantly, the Postal Service will seek another discussion with the ACHP concerning a potential programmatic agreement. Until such discussion takes place (and depending on its outcome), the Postal Service cannot estimate a date for completing a programmatic agreement.

7. Finalize and submit the 2011 Preserve America draft Audit Report to the Advisory Council on Historic Preservation.

Management Response: Management agrees with the recommendation and will implement this recommendation by July 31, 2014.

8. Assess the cost and benefits of utilizing U.S. General Services Administration's services when a historic property is being considered for sale.

Management Response: Management agrees with the recommendation and will request information and proposals from the GSA for such services. Until the Postal Service receives such information and proposals, the Postal Service cannot estimate a date for completing the assessment.

In conclusion, management appreciates the OIG's efforts in auditing the Postal Service's disposals of historic properties and preparing this important Audit Report. The draft report and management's responses do not contain information that management believes may be exempt from disclosure under the Freedom of Information Act.

Sincerely,



Tom A. Samra

cc: Megan Brennan
Sally K. Haring