

112TH CONGRESS  
1ST SESSION

# H. R. 2692

To amend title 39, United States Code, to modify the procedures governing the closure or consolidation of postal facilities.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2011

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

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## A BILL

To amend title 39, United States Code, to modify the procedures governing the closure or consolidation of postal facilities.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Postal Serv-  
5 ices Act”.

6 **SEC. 2. MODIFIED PROCEDURES.**

7 (a) IN GENERAL.—Section 404(d) of title 39, United  
8 States Code, is amended by striking the matter before  
9 paragraph (5) and inserting the following:

1       “(d)(1) Before making any determination under sub-  
2 section (a)(3) to close or consolidate a postal facility, the  
3 Postal Service shall conduct an investigation to assess the  
4 need for the proposed closure or consolidation and shall  
5 provide appropriate notice to the persons served by such  
6 postal facility to ensure that such persons will have an  
7 opportunity to present their views. Such notice shall be  
8 made to each person by mail, as well as by publication  
9 in newspapers of general circulation in the area within  
10 which such persons reside.

11       “(2) In deciding whether or not to close or consoli-  
12 date a postal facility, the Postal Service—

13               “(A) shall consider—

14                       “(i) the effect such closing or consolidation  
15 would have on the community served by such  
16 postal facility;

17                       “(ii) the effect such closing or consolida-  
18 tion would have on employees of the Postal  
19 Service employed at such postal facility; and

20                       “(iii) whether such closing or consolidation  
21 would be consistent with the policy of the Gov-  
22 ernment, as stated in section 101(b), that the  
23 Postal Service shall provide a maximum degree  
24 of effective and regular postal services to rural

1 areas, communities, and small towns where post  
2 offices are not self-sustaining; and

3 “(B) may not consider compliance with any  
4 provision of the Occupational Safety and Health Act  
5 of 1970.

6 “(3)(A) A decision to proceed with the proposal to  
7 close or consolidate, following an investigation under para-  
8 graph (1), shall be made in writing and shall include the  
9 findings of the Postal Service with respect to each of the  
10 considerations specified in paragraph (2)(A).

11 “(B) Notice of the decision and findings under sub-  
12 paragraph (A) shall be posted prominently in each postal  
13 facility that would be affected, and notice of the posting  
14 shall be sent by mail to all persons served by such postal  
15 facility, at least 90 days before a final determination is  
16 made, to ensure that such persons will have an oppor-  
17 tunity to submit comments.

18 “(C) Any posting under subparagraph (B) shall in-  
19 clude—

20 “(i) a statement as follows: ‘This is notice of a  
21 proposal to \_\_\_\_\_ this postal facility. A final  
22 determination will not be made before the end of the  
23 90-day period beginning on the date on which this  
24 notice is first posted.’, with the blank space being  
25 filled in with ‘close’ or ‘consolidate’ (whichever is ap-

1       appropriate), and with instructions for how any inter-  
2       ested person may submit comments;

3               “(ii) a brief summary of the findings of the  
4       Postal Service with respect to the factors for consid-  
5       eration specified in paragraph (2)(A); and

6               “(iii) the amount of cost savings the Postal  
7       Service estimates it will realize from the closing or  
8       consolidation, in the first year following the date of  
9       such closing or consolidation, together with an expla-  
10      nation of the assumptions and methodologies used in  
11      making those estimates.

12      “(4) A final determination to close or consolidate a  
13      postal facility shall be made, in writing, after taking into  
14      consideration any comments received in the course of the  
15      90-day period referred to in paragraph (3). The Postal  
16      Service shall take no action to close or consolidate a postal  
17      facility before the end of the 60-day period beginning on  
18      the date as of which the Postal Service—

19              “(A) posts a copy of its final determination in  
20      a prominent location in each affected postal facility;  
21      and

22              “(B) sends to all persons served by such postal  
23      facility—

24              “(i) a notice of such determination; and

1                   “(ii) notice of any appeal rights available  
2                   with respect to such determination.”.

3           (b) **SUSPENSION PENDING APPEAL.**—Section  
4 404(d)(5) of title 39, United States Code, is amended in  
5 the next to last sentence by striking “may suspend” and  
6 inserting “shall suspend”.

7           (c) **EXCEPTION.**—Section 404(d) of title 39, United  
8 States Code, is amended by adding at the end the fol-  
9 lowing:

10           “(7)(A) The preceding provisions of this subsection  
11 shall not apply in the case of a closing or consolidation  
12 which occurs by reason of an emergency suspension, as  
13 defined under regulations of the Postal Service, subject  
14 to subparagraph (B).

15           “(B) For purposes of this paragraph, the term ‘emer-  
16 gency suspension’ shall not, in the case of a leased facility,  
17 include the termination or cancellation of the lease by a  
18 party other than the Postal Service.”.

19 **SEC. 3. ACTUAL COST SAVINGS.**

20           (a) **IN GENERAL.**—Not later than 2 years after the  
21 date of the closing or consolidation of any postal facility  
22 occurring after the date of the enactment of this Act, the  
23 Inspector General of the United States Postal Service  
24 shall determine, and submit to the Postmaster General  
25 and each House of Congress its findings with respect to,

1 the amount of the cost savings realized by the United  
2 States Postal Service from the closing or consolidation in  
3 the first year following such closing or consolidation.

4 (b) INFORMATION TO BE INCLUDED.—A submission  
5 under this section shall include—

6 (1) the amount of the cost savings determined  
7 by the Inspector General with respect to the closing  
8 or consolidation involved, together with an expla-  
9 nation of the assumptions and methodologies used;

10 (2) a comparison of the cost savings determined  
11 by the Inspector General versus the estimates pro-  
12 vided by the Postal Service under section  
13 404(d)(3)(C)(iii) of title 39, United States Code (as  
14 amended by section 2(a)); and

15 (3) an explanation of the reasons for any dif-  
16 ferences between the Inspector General’s determina-  
17 tion and the Postal Service’s estimates, together  
18 with recommendations for any legislation or admin-  
19 istrative action which the Inspector General con-  
20 sidered appropriate to provide for more accurate esti-  
21 mates.

22 **SEC. 4. DEFINITIONS.**

23 Section 404 of title 39, United States Code, is  
24 amended by adding at the end the following:

25 “(f) For purposes of subsection (d)—

1           “(1) the term ‘postal facility’ includes an office,  
2           branch, station, or other facility which—

3                   “(A) is operated by the Postal Service; and

4                   “(B) provides services to persons described  
5           in paragraph (2); and

6           “(2) any reference to the persons served by a  
7           postal facility shall include any postal patrons receiv-  
8           ing mail delivery service from such postal facility,  
9           residents within any ZIP code served by such postal  
10          facility, postal patrons having post office boxes at  
11          such postal facility, and the relevant local govern-  
12          ment officials (as defined under regulations of the  
13          Postal Service).”.

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