

111TH CONGRESS
1ST SESSION

H. R. 658

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2009

Mr. SIRES (for himself, Mr. ROTHMAN of New Jersey, Mr. PAYNE, Mr. ORTIZ, Mr. CARDOZA, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. STUPAK, Ms. WOOLSEY, Mr. SHERMAN, Mr. PASTOR of Arizona, Ms. LEE of California, Mr. COURTNEY, Mr. WU, Mr. SPACE, Mr. ACKERMAN, Mr. GRIJALVA, Mr. DEFazio, Mr. CONNOLLY of Virginia, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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”.

1 **SEC. 2. MODIFIED PROCEDURES.**

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

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

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

17 “(A) shall consider—

18 “(i) the effect such closing or consolidation
19 would have on the community served by such
20 postal facility;

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

24 “(iii) whether such closing or consolidation
25 would be consistent with the policy of the Gov-
26 ernment, as stated in section 101(b), that the

1 Postal Service shall provide a maximum degree
2 of effective and regular postal services to rural
3 areas, communities, and small towns where post
4 offices are not self-sustaining; and

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

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

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

20 “(C) Any posting under subparagraph (B) shall in-
21 clude the following: ‘This is notice of a proposal to
22 _____ this postal facility. A final determination will
23 not be made before the end of the 90-day period beginning
24 on the date on which this notice is first posted.’, with the
25 blank space being filled in with ‘close’ or ‘consolidate’

1 (whichever is appropriate), and with instructions for how
2 any interested person may submit comments.

3 “(4) A final determination to close or consolidate a
4 postal facility shall be made, in writing, after taking into
5 consideration any comments received in the course of the
6 90-day period referred to in paragraph (3). The Postal
7 Service shall take no action to close or consolidate a postal
8 facility before the end of the 60-day period beginning on
9 the date as of which the Postal Service—

10 “(A) posts a copy of its final determination in
11 a prominent location in each affected postal facility;
12 and

13 “(B) sends to all persons served by such postal
14 facility—

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

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

18 (b) SUSPENSION PENDING APPEAL.—Section
19 404(d)(5) of title 39, United States Code, is amended in
20 the next to last sentence by striking “may suspend” and
21 inserting “shall suspend”.

22 (c) EXCEPTION.—Section 404(d) of title 39, United
23 States Code, is amended by adding at the end the fol-
24 lowing:

1 “(7) The preceding provisions of this subsection shall
2 not apply in the case of a closing or consolidation which
3 occurs—

4 “(A) by reason of an emergency suspension, as
5 defined under regulations of the Postal Service; or

6 “(B) in the case of a leased facility, by reason
7 of the termination or cancellation of the lease by a
8 party other than the Postal Service.”.

9 **SEC. 3. DEFINITIONS.**

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

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

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

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

16 “(B) provides services to persons described
17 in paragraph (2); and

18 “(2) any reference to the persons served by a
19 postal facility shall include any postal patrons receiv-
20 ing mail delivery service from such postal facility,
21 residents within any ZIP code served by such postal
22 facility, postal patrons having post office boxes at
23 such postal facility, and the relevant local govern-

1 ment officials (as defined under regulations of the
2 Postal Service).”.

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