

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.

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## 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

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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”.

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).”.

