

112TH CONGRESS
2D SESSION

H. R. 4335

To amend title 39, United States Code, to allow the Postal Regulatory Commission to set aside determinations by the United States Postal Service to close or consolidate postal facilities that would deny essential postal services to rural areas, communities, or small towns, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. RAHALL 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 allow the Postal Regulatory Commission to set aside determinations by the United States Postal Service to close or consolidate postal facilities that would deny essential postal services to rural areas, communities, or small towns, and for other purposes.

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 “Postal Service Ac-
5 countability Act of 2012”.

1 **SEC. 2. CLOSING OR CONSOLIDATION OF POST OFFICES.**

2 (a) **ECONOMIC EFFECTS.**—Section 404(d)(2)(A)(i) of
3 title 39, United States Code, is amended by striking the
4 semicolon and inserting “, including any economic ef-
5 fects;”.

6 (b) **INCREASE IN LENGTH OF WAITING PERIOD.**—
7 Section 404(d)(4) of title 39, United States Code, is
8 amended by striking “60” and inserting “120”.

9 (c) **SPECIFIC BASIS TO EXERCISE AUTHORITY TO**
10 **SET ASIDE.**—Subparagraph (C) of section 404(d)(5) of
11 title 39, United States Code, is amended to read as fol-
12 lows:

13 “(C) unsupported by substantial evidence on
14 the record, including any determination, finding, or
15 conclusion of the Postal Service with respect to
16 clause (i), (ii), (iii), or (iv) of paragraph (2)(A)
17 (each of which clauses the Postal Service shall spe-
18 cifically address under paragraph (3) with respect to
19 the post office involved).”.

20 (d) **PRC CONCURRENCE REQUIRED.**—Section 404(d)
21 of title 39, United States Code, is amended by adding at
22 the end the following:

23 “(7) If an appeal is filed under paragraph (5) with
24 respect to the closure or consolidation of a post office, the
25 Postal Service may not proceed with its determination to

1 close or consolidate such post office without the written
2 concurrence of at least 3 of the Commissioners.”.

3 (e) REVIEW.—Section 404(d) of title 39, United
4 States Code, is amended by adding after paragraph (7)
5 (as added by subsection (d)) the following:

6 “(8) Within 1 year after the date on which a post
7 office is closed or consolidated, the Postal Service shall
8 conduct a review and make public its findings and deter-
9 minations in regard to—

10 “(A) the accuracy of the findings which the
11 Postal Service had made earlier, with respect to the
12 considerations under paragraph (2)(A), in connec-
13 tion with the proposed closing or consolidation of
14 such post office; and

15 “(B) what substitute services are being pro-
16 vided for those previously provided by the post office
17 that was closed or consolidated, and whether those
18 substitute services are meeting community needs.”.

19 **SEC. 3. PROVISIONS RELATING TO CERTAIN OTHER FACILI-**
20 **TIES.**

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

23 “(f)(1) The Postal Service, prior to making a deter-
24 mination as to the necessity for the closing or consolida-
25 tion of any mail processing facility, shall provide adequate

1 notice of its intention to close or consolidate such mail
2 processing facility at least 60 days prior to the proposed
3 date of such closing or consolidation to the employees at
4 that facility and the community in which such facility is
5 located to ensure that such persons will have an oppor-
6 tunity to present their views.

7 “(2) The Postal Service, in making a determination
8 whether or not to close or consolidate a mail processing
9 facility—

10 “(A) shall consider—

11 “(i) the effect of such closing or consolida-
12 tion on the community in which such facility is
13 located, including any economic effects;

14 “(ii) the effect of such closing or consolida-
15 tion on employees of the Postal Service em-
16 ployed at such facility;

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

1 “(iv) the economic savings to the Postal
2 Service resulting from such closing or consolida-
3 tion; and

4 “(v) such other factors as the Postal Serv-
5 ice determines are necessary; and

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

9 “(3) Any determination of the Postal Service to close
10 or consolidate a mail processing facility shall be in writing
11 and shall include the findings of the Postal Service with
12 respect to the considerations required to be made under
13 paragraph (2). Such determination and findings shall be
14 made available to employees at the facility and the com-
15 munity in which such facility is located.

16 “(4) The Postal Service shall take no action to close
17 or consolidate a mail processing facility until 120 days
18 after its written determination is made available to em-
19 ployees of that facility and the community in which such
20 facility is located.

21 “(5) A determination of the Postal Service to close
22 or consolidate any mail processing facility may be ap-
23 pealed to the Postal Regulatory Commission, by any em-
24 ployee at such facility or member of the community in
25 which such facility is located, within 30 days after such

1 determination is made available to such person under
2 paragraph (3). The Commission shall review such deter-
3 mination on the basis of the record before the Postal Serv-
4 ice in the making of such determination. The Commission
5 shall make a determination based upon such review no
6 later than 120 days after receiving any appeal under this
7 paragraph. The Commission shall set aside any determina-
8 tion, findings, and conclusions found to be—

9 “(A) arbitrary, capricious, an abuse of discre-
10 tion, or otherwise not in accordance with the law;

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

13 “(C) unsupported by substantial evidence on
14 the record, including any determination, finding, or
15 conclusion of the Postal Service with respect to
16 clause (i), (ii), (iii), or (iv) of paragraph (2)(A)
17 (each of which clauses the Postal Service shall spe-
18 cifically address under paragraph (3) with respect to
19 the facility involved).

20 The Commission may affirm the determination of the
21 Postal Service or order that the entire matter be returned
22 for further consideration, but the Commission may not
23 modify the determination of the Postal Service. The Com-
24 mission may suspend the effectiveness of the determina-
25 tion of the Postal Service until the final disposition of the

1 appeal. The provisions of section 556, section 557, and
2 chapter 7 of title 5 shall not apply to any review carried
3 out by the Commission under this paragraph.

4 “(6) For purposes of paragraph (5), any appeal re-
5 ceived by the Commission shall—

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

10 “(B) if otherwise lawfully delivered to the Com-
11 mission, be considered to have been received on the
12 date determined based on any appropriate docu-
13 mentation or other indicia (as determined under reg-
14 ulations of the Commission).

15 “(7) If an appeal is filed under paragraph (5) with
16 respect to the closure or consolidation of a mail processing
17 facility, the Postal Service may not proceed with its deter-
18 mination to close or consolidate such facility without the
19 written concurrence of at least 3 of the Commissioners.

20 “(8) Within 1 year after the date on which a mail
21 processing facility is closed or consolidated, the Postal
22 Service shall conduct a review and make public its findings
23 and determinations in regard to—

24 “(A) the accuracy of the findings which the
25 Postal Service had made earlier, with respect to the

1 considerations under paragraph (2)(A), in connec-
2 tion with the proposed closing or consolidation of
3 such facility; and

4 “(B) what substitute services are being pro-
5 vided for those previously provided by the facility
6 that was closed or consolidated, and whether those
7 substitute services are meeting community needs.

8 “(9) For purposes of this subsection, the term ‘mail
9 processing facility’ means a processing and distribution
10 center, processing and distribution facility, network dis-
11 tribution center, or other facility which is operated by the
12 Postal Service, and the primary function of which is to
13 sort and process mail.”.

14 **SEC. 4. EFFECTIVE DATE.**

15 The amendments made by this Act shall apply with
16 respect to closings and consolidations taking effect on or
17 after the date of the enactment of this Act.

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