

105TH CONGRESS
2^D SESSION

S. 2112

AN ACT

To make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

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 Employees
5 Safety Enhancement Act”.

1 **SEC. 2. APPLICATION OF ACT.**

2 (a) DEFINITION.—Section 3(5) of the Occupational
3 Safety and Health Act of 1970 (29 U.S.C. 652(5)) is
4 amended by inserting after “the United States” the fol-
5 lowing: “(not including the United States Postal Serv-
6 ice)”.

7 (b) FEDERAL PROGRAMS.—

8 (1) OCCUPATIONAL SAFETY AND HEALTH.—
9 Section 19(a) of the Occupational Safety and Health
10 Act of 1970 (29 U.S.C. 668(a)) is amended by in-
11 sserting after “each Federal Agency” the following:
12 “(not including the United States Postal Service)”.

13 (2) OTHER SAFETY PROGRAMS.—Section
14 7902(a)(2) of title 5, United States Code, is amend-
15 ed by inserting after “Government of the United
16 States” the following: “(not including the United
17 States Postal Service)”.

18 **SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT**
19 **BASED ON OSHA COMPLIANCE.**

20 Section 404(b)(2) of title 39, United States Code, is
21 amended to read as follows:

22 “(2) The Postal Service, in making a determination
23 whether or not to close or consolidate a post office—

24 “(A) shall consider—

1 “(i) the effect of such closing or consolida-
2 tion on the community served by such post of-
3 fice;

4 “(ii) the effect of such closing or consolida-
5 tion on employees of the Postal Service em-
6 ployed at such office;

7 “(iii) whether such closing or consolidation
8 is consistent with the policy of the Government,
9 as stated in section 101(b) of this title, that the
10 Postal Service shall provide a maximum degree
11 of effective and regular postal services to rural
12 areas, communities, and small towns where post
13 offices are not self-sustaining;

14 “(iv) the economic savings to the Postal
15 Service resulting from such closing or consolida-
16 tion; and

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

19 “(B) may not consider compliance with any
20 provision of the Occupational Safety and Health Act
21 of 1970 (29 U.S.C. 651 et seq.).”.

1 **SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION**
2 **OF SERVICES.**

3 (a) IN GENERAL.—Chapter 4 of title 39, United
4 States Code, is amended by adding after section 414 the
5 following:

6 **“§415. Prohibition on restriction or elimination of**
7 **services**

8 “The Postal Service may not restrict, eliminate, or
9 adversely affect any service provided by the Postal Service
10 as a result of the payment of any penalty imposed under
11 the Occupational Safety and Health Act of 1970 (29
12 U.S.C. 651 et seq.).”.

13 (b) TECHNICAL AND CONFORMING AMENDMENT.—
14 The table of sections for chapter 4 of title 39, United
15 States Code, is amended by adding at the end the follow-
16 ing:

“415. Prohibition on restriction or elimination of services.”.

17 **SEC. 5. LIMITATIONS ON RAISE IN RATES.**

18 Section 3622 of title 39, United States Code, is
19 amended by adding at the end the following:

20 “(c) Compliance with any provision of the Occupa-
21 tional Safety and Health Act of 1970 (29 U.S.C. 651 et
22 seq.) shall not be considered by the Commission in deter-

- 1 mining whether to increase rates and shall not otherwise
- 2 affect the service of the Postal Service.”.

Passed the Senate July 31, 1998.

Attest:

Secretary.

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