

105TH CONGRESS  
2D SESSION

# S. 2112

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.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 1998

Mr. ENZI (for himself, Mr. BINGAMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. THOMAS, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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## A BILL

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”.

6       **SEC. 2. APPLICATION OF ACT.**

7       (a) DEFINITION.—Section 3(5) of the Occupational  
8       Safety and Health Act of 1970 (29 U.S.C. 652(5)) is  
9       amended by inserting after “the United States” the fol-

1 lowing: “(not including the United States Postal Serv-  
 2 ice)”.

3 (b) FEDERAL PROGRAMS.—

4 (1) OCCUPATIONAL SAFETY AND HEALTH.—

5 Section 19(a) of the Occupational Safety and Health  
 6 Act of 1970 (29 U.S.C. 668(a)) is amended by in-  
 7 serting after “each Federal Agency” the following:  
 8 “(not including the United States Postal Service)”.

9 (2) OTHER SAFETY PROGRAMS.—Section  
 10 7902(a)(2) of title 5, United States Code, is amend-  
 11 ed by inserting after “Government of the United  
 12 States” the following: “(not including the United  
 13 States Postal Service)”.

14 **SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT**  
 15 **BASED ON OSHA COMPLIANCE.**

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

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

20 “(A) shall consider—

21 “(i) the effect of such closing or consolida-  
 22 tion on the community served by such post of-  
 23 fice;

1 “(ii) the effect of such closing or consolida-  
 2 tion on employees of the Postal Service em-  
 3 ployed at such office;

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

11 “(iv) the economic savings to the Postal  
 12 Service resulting from such closing or consolida-  
 13 tion; and

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

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

19 **SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION**  
 20 **OF SERVICES.**

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

1 **“§ 415. Prohibition on restriction or elimination of**  
 2 **services**

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

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

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

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

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

15 “(c) Compliance with any provision of the Occupa-  
 16 tional Safety and Health Act of 1970 (29 U.S.C. 651 et  
 17 seq.) shall not be considered by the Commission in deter-  
 18 mining whether to increase rates and shall not otherwise  
 19 affect the service of the Postal Service.”.

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