

106TH CONGRESS  
1ST SESSION

# H. R. 670

To amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1999

Mr. BLUMENAUER (for himself, Mr. HOUGHTON, Mr. BORSKI, Mrs. KELLY, Mr. FATTAH, Mr. PEASE, Mr. HINCHEY, Mr. BONIOR, Mr. DOYLE, Mr. SPRATT, Mr. DEAL of Georgia, Mr. KILDEE, Mr. SAWYER, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Mr. KENNEDY of Rhode Island, Mr. STARK, Ms. BROWN of Florida, Mr. DAVIS of Florida, Mr. ROMERO-BARCELÓ, Mr. STRICKLAND, Mr. FARR of California, Ms. DELAURO, Mr. MEEHAN, Mr. THOMPSON of Mississippi, Mr. BISHOP, Mr. FRANK of Massachusetts, Ms. HOOLEY of Oregon, Mr. HOLDEN, Mr. WEYGAND, Mr. SANDLIN, Mr. ALLEN, Mrs. THURMAN, Mr. CUMMINGS, Mr. ANDREWS, Mrs. MINK of Hawaii, Mr. CLAY, Mr. BALDACCI, Ms. STABENOW, Mr. KLECZKA, Mr. UNDERWOOD, and Mr. GOODE) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Post Office Community  
3 Partnership Act of 1999”.

4 **SEC. 2. GUIDELINES FOR RELOCATION, CLOSING, CONSOLI-**  
5 **DATION, OR CONSTRUCTION OF POST OF-**  
6 **FICES.**

7 Section 404 of title 39, United States Code, is  
8 amended by striking subsection (b) and inserting the fol-  
9 lowing:

10 “(b)(1) Before making a determination under sub-  
11 section (a)(3) as to the necessity for the relocation, clos-  
12 ing, consolidation, or construction of any post office, the  
13 Postal Service shall provide adequate notice to persons  
14 served by that post office of the intention of the Postal  
15 Service to relocate, close, consolidate, or construct that  
16 post office not later than 60 days before the final deter-  
17 mination is made to relocate, close, consolidate, or con-  
18 struct.

19 “(2)(A) The notification under paragraph (1) shall  
20 be in writing, hand delivered or delivered by mail to per-  
21 sons served by that post office, and published in 1 or more  
22 newspapers of general circulation within the zip codes  
23 served by that post office.

24 “(B) The notification under paragraph (1) shall  
25 include—

1           “(i) an identification of the relocation, closing,  
2           consolidation, or construction of the post office in-  
3           volved;

4           “(ii) a summary of the reasons for the reloca-  
5           tion, closing, consolidation, or construction;

6           “(iii) the proposed date for the relocation, clos-  
7           ing, consolidation, or construction;

8           “(iv) notice of the opportunity of a hearing, if  
9           requested; and

10          “(v) notice of the opportunity for public com-  
11          ment, including suggestions.

12          “(3) Any person served by the post office that is the  
13          subject of a notification under paragraph (1) may offer  
14          an alternative relocation, closing, consolidation, or con-  
15          struction proposal during the 60-day period beginning on  
16          the date on which the notice is provided under paragraph  
17          (1).

18          “(4)(A) At the end of the period specified in para-  
19          graph (3), the Postal Service shall make a determination  
20          under subsection (a)(3). Before making a final determina-  
21          tion, the Postal Service shall conduct a hearing, if re-  
22          quested by persons served by the post office that is the  
23          subject of a notice under paragraph (1). If a hearing is  
24          held under this paragraph, the persons served by such post  
25          office may present oral or written testimony with respect

1 to the relocation, closing, consolidation, or construction of  
2 the post office.

3 “(B) In making a determination as to whether or not  
4 to relocate, close, consolidate, or construct a post office,  
5 the Postal Service shall consider—

6 “(i) the extent to which the post office is part  
7 of a core downtown business area;

8 “(ii) any potential effect of the relocation, clos-  
9 ing, consolidation, or construction on the community  
10 served by the post office;

11 “(iii) whether the community served by the post  
12 office opposes a relocation, closing, consolidation, or  
13 construction;

14 “(iv) any potential effect of the relocation, clos-  
15 ing, consolidation, or construction on employees of  
16 the Postal Service employed at the post office;

17 “(v) whether the relocation, closing, consolida-  
18 tion, or construction of the post office is consistent  
19 with the policy of the Government under section  
20 101(b) that requires the Postal Service to provide a  
21 maximum degree of effective and regular postal serv-  
22 ices to rural areas, communities, and small towns in  
23 which post offices are not self-sustaining;

1           “(vi) the quantified long-term economic saving  
2           to the Postal Service resulting from the relocation,  
3           closing, consolidation, or construction;

4           “(vii)(I) the adequacy of the existing post of-  
5           fice; and

6           “(II) whether all reasonable alternatives to relo-  
7           cation, closing, consolidation, or construction have  
8           been explored; and

9           “(viii) any other factor that the Postal Service  
10          determines to be necessary for making a determina-  
11          tion whether to relocate, close, consolidate, or con-  
12          struct that post office.

13          “(C) In making a determination as to whether or not  
14          to relocate, close, consolidate, or construct a post office,  
15          the Postal Service may not consider compliance with any  
16          provision of the Occupational Safety and Health Act of  
17          1970 (29 U.S.C. 651 et seq.).

18          “(5)(A) Any determination of the Postal Service to  
19          relocate, close, consolidate, or construct a post office shall  
20          be in writing and shall include the findings of the Postal  
21          Service with respect to the considerations required to be  
22          made under paragraph (4).

23          “(B) The Postal Service shall respond to all of the  
24          alternative proposals described in paragraph (3) in a con-  
25          solidated report that includes—

1           “(i) the determination and findings under sub-  
2 paragraph (A); and

3           “(ii) each alternative proposal and a response  
4 by the Postal Service.

5           “(C) The Postal Service shall make available to the  
6 public a copy of the report prepared under subparagraph  
7 (B) at the post office that is the subject of the report.

8           “(6)(A) The Postal Service shall take no action to  
9 relocate, close, consolidate, or construct a post office until  
10 the applicable date described in subparagraph (B).

11          “(B) The applicable date specified in this subpara-  
12 graph is—

13           “(i) if no appeal is made under paragraph (7),  
14 the end of the 30-day period specified in that para-  
15 graph; or

16           “(ii) if an appeal is made under paragraph (7),  
17 the date on which a determination is made by the  
18 Commission under paragraph 7(A), but not later  
19 than 120 days after the date on which the appeal is  
20 made.

21          “(7)(A) A determination of the Postal Service to relo-  
22 cate, close, consolidate, or construct any post office may  
23 be appealed by any person served by that post office to  
24 the Postal Rate Commission during the 30-day period be-  
25 ginning on the date on which the report is made available

1 under paragraph (5). The Commission shall review the de-  
2 termination on the basis of the record before the Postal  
3 Service in the making of the determination. The Commis-  
4 sion shall make a determination based on that review not  
5 later than 120 days after appeal is made under this para-  
6 graph.

7 “(B) The Commission shall set aside any determina-  
8 tion, findings, and conclusions of the Postal Service that  
9 the Commission finds to be—

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

12 “(ii) without observance of procedure required  
13 by law; or

14 “(iii) unsupported by substantial evidence on  
15 the record.

16 “(C) The Commission may affirm the determination  
17 of the Postal Service that is the subject of an appeal under  
18 subparagraph (A) or order that the entire matter that is  
19 the subject of that appeal be returned for further consider-  
20 ation, but the Commission may not modify the determina-  
21 tion of the Postal Service. The Commission may suspend  
22 the effectiveness of the determination of the Postal Service  
23 until the final disposition of the appeal.

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

4       “(E) A determination made by the Commission shall  
5 not be subject to judicial review.

6       “(8) In any case in which a community has in effect  
7 procedures to address the relocation, closing, consolida-  
8 tion, or construction of buildings in the community, and  
9 the public participation requirements of those procedures  
10 are more stringent than those provided in this subsection,  
11 the Postal Service shall apply those procedures to the relo-  
12 cation, closing, consolidation, or construction of a post of-  
13 fice in that community in lieu of applying the procedures  
14 established in this subsection.

15       “(9) In making a determination to relocate, close,  
16 consolidate, or construct any post office, the Postal Serv-  
17 ice shall comply with any applicable zoning, planning, or  
18 land use laws (including building codes and other related  
19 laws of State or local public entities, including any zoning  
20 authority with jurisdiction over the area in which the post  
21 office is located).

22       “(10) The relocation, closing, consolidation, or con-  
23 struction of any post office under this subsection shall be  
24 conducted in accordance with the National Historic Pres-  
25 ervation Act (16 U.S.C. 470h-2).

1       “(11) Nothing in this subsection shall be construed  
2 to apply to a temporary customer service facility to be  
3 used by the Postal Service for a period of less than 60  
4 days.

5       “(12)(A) For purposes of this paragraph the term  
6 ‘emergency’ means any occurrence that forces an imme-  
7 diate relocation from an existing facility, including natural  
8 disasters, fire, health and safety factors, and lease termi-  
9 nations.

10       “(B) If the Postmaster General makes a determina-  
11 tion that an emergency exists relating to a post office, the  
12 Postmaster General may suspend the application of the  
13 provisions of this subsection for a period not to exceed  
14 180 days with respect to such post office.

15       “(C) The Postmaster General may exercise the sus-  
16 pension authority under subparagraph (A) once with re-  
17 spect to a single emergency for any specific post office.”.

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