

106TH CONGRESS
1ST SESSION

S. 556

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

IN THE SENATE OF THE UNITED STATES

MARCH 5, 1999

Mr. BAUCUS (for himself and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. GUIDELINES FOR RELOCATION, CLOSING, CONSOLI-**
2 **DATION, OR CONSTRUCTION OF POST OF-**
3 **FICES.**

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

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

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

21 “(B) The notification under paragraph (1) shall
22 include—

23 “(i) an identification of the relocation, closing,
24 consolidation, or construction of the post office in-
25 volved;

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

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

5 “(iv) notice of the opportunity of a hearing, if
6 requested; and

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

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

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

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

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

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

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

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

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

22 “(vi) the quantified long-term economic saving
23 to the Postal Service resulting from the relocation,
24 closing, consolidation, or construction;

1 “(vii)(I) the adequacy of the existing post of-
2 fice; and

3 “(II) whether all reasonable alternatives to relo-
4 cation, closing, consolidation, or construction have
5 been explored; and

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

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

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

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

23 “(i) the determination and findings under sub-
24 paragraph (A); and

1 “(ii) each alternative proposal and a response
2 by the Postal Service.

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

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

9 “(B) The applicable date specified in this subpara-
10 graph is—

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

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

19 “(7)(A) A determination of the Postal Service to relo-
20 cate, close, consolidate, or construct any post office may
21 be appealed by any person served by that post office to
22 the Postal Rate Commission during the 30-day period be-
23 ginning on the date on which the report is made available
24 under paragraph (5). The Commission shall review the de-
25 termination on the basis of the record before the Postal

1 Service in the making of the determination. The Commis-
2 sion shall make a determination based on that review not
3 later than 120 days after appeal is made under this para-
4 graph.

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

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

10 “(ii) without observance of procedure required
11 by law; or

12 “(iii) unsupported by substantial evidence on
13 the record.

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

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

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

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

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

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

23 “(11) Nothing in this subsection shall be construed
24 to apply to a temporary customer service facility to be

1 used by the Postal Service for a period of less than 60
2 days.

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

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

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

○