

107TH CONGRESS
1ST SESSION

S. 897

To amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16 (legislative day, MAY 15), 2001

Mr. BAUCUS (for himself, Mr. JEFFORDS, Mr. ALLARD, Mr. LEAHY, and Mr. LEVIN) 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 provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, 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 2001”.

1 **SEC. 2. PROCEDURES RELATING TO THE PROPOSED CLOS-**
2 **ING, CONSOLIDATION, RELOCATION, OR CON-**
3 **STRUCTION OF A POST OFFICE.**

4 (a) APPLICABILITY.—Section 404(b) of title 39,
5 United States Code, is amended—

6 (1) by redesignating paragraphs (2) through
7 (5) as paragraphs (3) through (6), respectively;

8 (2) by striking “(b)(1)” and inserting “(2)”;
9 and

10 (3) by inserting before paragraph (2) (as so re-
11 designated) the following:

12 “(b)(1) This subsection shall apply in the case of any
13 proposed closing, consolidation, relocation, or construction
14 of a post office.”.

15 (b) ADVANCE NOTICE.—Paragraph (2) of such sec-
16 tion 404(b) (as so redesignated) is amended to read as
17 follows:

18 “(2)(A) The Postal Service, before making a deter-
19 mination under subsection (a)(3) as to the necessity for
20 a proposed action described in paragraph (1), shall, in
21 order to ensure that the persons, including local govern-
22 ment officials, who are (or would be) served by the post
23 office involved will have an opportunity to present their
24 views, provide adequate notice of its intention to take such
25 action with respect to such post office at least 60 days
26 before—

1 “(i) in the case of the proposed construction of
2 a post office, the date of the determination under
3 subsection (a)(3); or

4 “(ii) in the case of an action other than the
5 proposed construction of a post office, the proposed
6 date of such action.

7 “(B) The requirements of this paragraph shall not
8 be considered met unless the notice—

9 “(i) has, by the deadline specified in subpara-
10 graph (A)—

11 “(I) been hand delivered or delivered by
12 mail to the persons required under subpara-
13 graph (A); and

14 “(II) been published once a week for at
15 least 4 weeks in 1 or more newspapers regularly
16 issued and of general circulation within the zip
17 code areas which are (or would be) served by
18 the post office involved; and

19 “(ii) includes a description of the action pro-
20 posed to be taken with respect to the post office in-
21 volved, a summary of the reasons for the proposed
22 action, and the date on which such action is pro-
23 posed to be taken (or, if the construction of a post
24 office is involved, the proposed timetable therefor).”.

1 (c) CONSIDERATIONS.—Paragraph (3) of such sec-
2 tion 404(b) (as so redesignated) is amended—

3 (1) in the matter before subparagraph (A), by
4 striking “to close or consolidate” and inserting “to
5 take a proposed action with respect to”;

6 (2) by striking “such closing or consolidation”
7 each place it appears and inserting “such action”;

8 (3) in subparagraph (A)(i), by striking the
9 semicolon and inserting “, taking into account (I)
10 the extent to which the post office is part of a core
11 downtown business area (if at all), and (II) the na-
12 ture and the extent of any opposition within the
13 community to the proposed action;”;

14 (4) in subparagraph (A)(ii), by striking “Serv-
15 ice employed at such office;” and inserting “Serv-
16 ice;”;

17 (5) in subparagraph (A)(iv), by inserting
18 “quantified long-term” before “economic”; and

19 (6) in subparagraph (A), by striking “and” at
20 the end of clause (iv), by redesignating clause (v) as
21 clause (viii), and by inserting after clause (iv) the
22 following:

23 “(v) any views or concerns expressed by
24 any officials or other representatives of local
25 government, including whether the proposed ac-

1 tion is reasonable in light of local population
2 projections;

3 “(vi) consistency with the size, scale, de-
4 sign, and general character of the surrounding
5 community;

6 “(vii) whether all reasonable alternatives to
7 such action have been explored; and”.

8 (d) NOTICE OF DETERMINATION.—Paragraph (4) of
9 such section 404(b) (as so redesignated) is amended—

10 (1) by striking “to close or consolidate” and in-
11 serting “to take a proposed action (described in
12 paragraph (1)) with respect to”;

13 (2) by striking “paragraph (2)” and inserting
14 “paragraph (3)”; and

15 (3) by striking “office.” and inserting “office
16 (including by posting a copy of such determination
17 in the post office or each post office serving the per-
18 sons who will be affected by such action) and shall
19 be transmitted to appropriate local officials.”.

20 (e) ADDITIONAL REQUIREMENTS.—Such section
21 404(b) is amended by adding at the end the following:

22 “(7) In any case in which a community has promul-
23 gated any procedures to address the relocation, closing,
24 consolidation, or construction of buildings in the commu-
25 nity, and the public participation requirements of those

1 procedures are more stringent than those provided in this
2 subsection, the Postal Service shall apply those procedures
3 to the relocation, closing, consolidation, or construction of
4 a post office in that community in lieu of applying the
5 procedures established in this subsection.

6 “(8) In making a determination to relocate, close,
7 consolidate, or construct any post office, the Postal Serv-
8 ice shall comply with any applicable zoning, planning, or
9 land use laws (including design guidelines, building codes,
10 and all other provisions of law) to the same extent and
11 in the same manner as if the Postal Service were not an
12 establishment of the Government of the United States.

13 “(9) Nothing in this subsection shall be construed to
14 apply to a temporary customer service facility to be used
15 by the Postal Service for a period of less than 60 days.

16 “(10)(A) In this paragraph the term ‘emergency’
17 means any occurrence that forces an immediate relocation
18 from an existing facility, including natural disasters, fire,
19 health and safety factors, and lease terminations.

20 “(B) If the Postmaster General determines that there
21 exists an emergency affecting a particular post office, the
22 Postmaster General may suspend the application of this
23 subsection, with respect to such post office, for a period
24 of not to exceed 180 days.

1 “(C) The Postmaster General may exercise the sus-
2 pension authority under this paragraph with respect to a
3 post office once for each discrete emergency affecting such
4 post office.

5 “(11) The relocation, closing, consolidation, or con-
6 struction of any post office shall be conducted in accord-
7 ance with applicable provisions of the National Historic
8 Preservation Act (16 U.S.C. 470 et seq.).”.

9 (f) TECHNICAL AND CONFORMING AMENDMENTS.—
10 Such section 404(b) is amended—

11 (1) in paragraph (5) (as so redesignated) by
12 striking “take no action to close or consolidate” and
13 inserting “take no action described in paragraph (1)
14 with respect to”; and

15 (2) in paragraph (6) (as so redesignated)—

16 (A) by striking “to close or consolidate”
17 and inserting “to take any action described in
18 paragraph (1) with respect to”; and

19 (B) by striking “paragraph (3)” and in-
20 serting “paragraph (4)”.

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