

113TH CONGRESS
2D SESSION

H. R. 5377

To provide for certain safeguards with respect to the sale of historic postal facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mr. SERRANO (for himself and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for certain safeguards with respect to the sale of historic postal facilities, 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 “Postal Facilities Pres-
5 ervation and Sales Reform Act”.

6 **SEC. 2. AMENDMENTS TO TITLE 39, UNITED STATES CODE,**
7 **WITH RESPECT TO THE CLOSURE AND CON-**
8 **SOLIDATION OF POSTAL FACILITIES.**

9 (a) IN GENERAL.—Section 404(d) of title 39, United
10 States Code, is amended—

1 (1) by striking subsection (d)(1) and inserting
2 the following:

3 “(d)(1) Prior to making a determination under sub-
4 section (a)(3) of this section as to the necessity for the
5 closing or consolidation of any postal facility, the Postal
6 Service shall—

7 “(A) hold at least 3 public meetings, located
8 within the area affected by the closing or consolida-
9 tion, at least 120 days prior to such determination;
10 and

11 “(B) provide adequate notice of its intention to
12 close or consolidate such facility at least 180 days
13 prior to the proposed date of such closing or consoli-
14 dation to persons served by such facility to ensure
15 that such persons will have an opportunity to
16 present their views.

17 “(2) For purposes of paragraph (1), ‘adequate notice’
18 with respect to a closure or consolidation of a post office
19 means written notification to—

20 “(A) each person served by such post office;

21 “(B) each officer or employee who is employed
22 at such post office; and

23 “(C) each Federal, State, and local elected offi-
24 cial who represents the ZIP code in which such post
25 office is located.”;

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

3 (3) by adding at the end the following:

4 “(8) The following entities shall have a right of first
5 refusal, in descending order of priority, to purchase any
6 postal facility offered for sale by the Postal Service under
7 this section:

8 “(A) A Federal agency (as that term is defined
9 in section 2671 of title 28).

10 “(B) The State in which such facility is located.

11 “(C) The city, town, or local unit of government
12 with jurisdiction over the area in which such facility
13 is located.

14 “(9) The Postal Service may not enter into any con-
15 tract or agreement with a person where such contract per-
16 mits such person to represent, with respect to a sale of
17 a postal facility under this section, the Postal Service and
18 the proposed buyer of the facility.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
20 Section 404(d) of title 39, United States Code, is amend-
21 ed—

22 (1) in paragraphs (3) through (7) (as redesign-
23 nated by subsection (a)(2)), by striking “post office”
24 in each instance it appears and inserting “postal fa-
25 cility”;

1 (2) in paragraph (3) (as so redesignated), by
2 striking “post offices” and inserting “postal facili-
3 ties”; in each instance it appears

4 (3) in paragraph (4) (as so redesignated), by
5 striking “paragraph (2)” and inserting “paragraph
6 (3)”;

7 (4) in paragraph (6) (as so redesignated), by
8 striking “paragraph (3)” and inserting “paragraph
9 (4)”;

10 (5) in paragraph (7) (as so redesignated), by
11 striking “paragraph (5)” and inserting “paragraph
12 (6)”.

13 **SEC. 3. AMENDMENTS TO TITLE 39, UNITED STATES CODE,**
14 **WITH RESPECT TO HISTORIC POSTAL FACILI-**
15 **TIES.**

16 (a) SALE OF POSTAL FACILITIES.—Section 404(d) of
17 title 39, United States Code, is further amended by adding
18 at the end the following new paragraph:

19 “(10) With respect to any historic postal facility (as
20 that term is defined in section 417) offered for sale or
21 proposed for relocation or cessation of services by the
22 Postal Service under this section, the Postal Service may
23 not enter into any contract or agreement to sell the facility
24 or relocate or cease services at such facility until the pro-
25 posed decision to sell or relocate such facility is reviewed

1 pursuant to section 106 of the National Historic Preserva-
2 tion Act (16 U.S.C. 470f).”.

3 (b) GENERAL HISTORIC POSTAL FACILITY REQUIRE-
4 MENTS.—Chapter 4 of title 39, United States Code, is
5 amended by adding at the end the following:

6 **“§ 417. Historic postal facilities**

7 “(a) HISTORIC SURPLUS PROPERTY PROGRAM.—If
8 the Postal Service makes a determination to sell a historic
9 postal facility under section 404, and the preservation of
10 such facility has been determined by the State Historic
11 Preservation Officer or the Keeper of the National Reg-
12 ister of Historic Places to be of national significance, the
13 Postal Service shall use the Historic Surplus Property
14 Program (administered by the National Park Service and
15 the General Services Administration) to dispose of such
16 facility.

17 “(b) FEDERAL PRESERVATION OFFICER DUTIES.—
18 The Federal preservation officer at the Postal Service
19 shall be consulted in any decision with respect to the sale
20 or lease of any historic postal facility or any historic art
21 at such facility.

22 “(c) LIST OF HISTORIC POSTAL FACILITIES; BUDG-
23 ET.—The Postmaster General shall maintain—

24 “(1) a list of historic postal facilities and pub-
25 lish such list on the Postal Service Web site; and

1 “(2) a separate preservation budget to track ob-
2 ligations and expenditures by the Postal Service with
3 respect to historic preservation activities.

4 “(d) NEW DEAL ART.—

5 “(1) IN GENERAL.—The Federal preservation
6 officer at the Postal Service shall promptly notify
7 the National Museum of American Art in any in-
8 stance where New Deal art owned by the Postal
9 Service is loaned or relocated.

10 “(2) AVAILABILITY OF POLICIES.—The Post-
11 master General shall make all Postal Service policies
12 relating to historic preservation and New Deal art
13 available to the public.

14 “(e) DEFINITIONS.—In this section—

15 “(1) the term ‘historic postal facility’ means
16 any postal facility listed, or eligible to be listed, in
17 the National Register of Historic Places; and

18 “(2) the term ‘New Deal art’ means any work
19 of art located at a postal facility that—

20 “(A) was commissioned by the Federal
21 Government between 1933 and 1936; and

22 “(B) is owned by the Postal Service.”.

23 “(c) CLERICAL AMENDMENT.—The table of sections
24 for title 39, United States Code, is amended by inserting

1 after the item relating to section 416 the following new
2 item:

“417. Historic postal facilities.”.

3 **SECTION 4. ADDITIONAL REQUIREMENTS WITH RESPECT**
4 **TO HISTORIC POSTAL FACILITIES.**

5 (a) **MORATORIUM ON SALE OF HISTORIC POSTAL FA-**
6 **CILITIES.**—Notwithstanding any other provision of law,
7 the Postmaster General of the United States Postal Serv-
8 ice may not enter into any agreement to sell a postal facil-
9 ity that is listed, or eligible to be listed, in the National
10 Register of Historic Places unless the sale is conducted
11 pursuant to the procedures established under section
12 404(d) of title 39, United States Code, as amended by
13 sections 2 and 3.

14 (b) **APPLICATION OF NATIONAL HISTORIC PRESER-**
15 **VATION ACT.**—Congress reaffirms that sections 106, 110,
16 and 111 of the National Historic Preservation Act apply
17 to the United States Postal Service.

18 (c) **DEVELOPMENT OF POSTAL SERVICE POLICIES**
19 **AND PROCEDURES WITH RESPECT TO HISTORIC POSTAL**
20 **FACILITIES.**—

21 (1) **MODEL HISTORIC PROPERTY COVENANT.**—

22 (A) **IN GENERAL.**—Not later than 180
23 days after the date of enactment of this Act,
24 the Postmaster General shall, in consultation
25 with the Advisory Council on Historic Preserva-

1 tion, the National Conference of State Historic
2 Preservation Officers, and the National Trust
3 for Historic Preservation, develop a model cov-
4 enant, to be used and applied with respect to
5 any historic postal facility offered for sale by
6 the Postal Service.

7 (B) COVENANT REQUIREMENTS.—Such
8 covenant shall provide that—

9 (i) the purchaser of such a facility
10 shall allow public access to any historic
11 artwork located within such facility;

12 (ii) the Postal Service shall contribute
13 sufficient funds to the maintenance of any
14 such artwork; and

15 (iii) the purchaser of such a facility
16 shall not demolish the historic postal facil-
17 ity or alter it in any way that is incompat-
18 ible with the historic character of such fa-
19 cility.

20 (C) COVENANT GUIDANCE.—Not later
21 than 1 year after the date of enactment of this
22 Act, the Postmaster General shall, in consulta-
23 tion with the Advisory Council on Historic
24 Preservation, the National Conference of State
25 Historic Preservation Officers, and the National

1 Trust for Historic Preservation, develop and
2 implement guidelines with respect to notifying
3 any private entity of the responsibilities of such
4 entity under the covenant developed under sub-
5 section (a), including stewardship requirements
6 and any pertinent information on Federal or
7 State tax incentive programs.

8 (2) TRAINING.—Not later than 180 days after
9 the date of enactment of this Act, the Postmaster
10 General shall, in consultation with the Advisory
11 Council on Historic Preservation, develop guidance
12 and training procedures for officers and employees
13 of the Postal Service on the processes, requirements,
14 and special considerations with respect to the sale of
15 any historic postal facility, including—

16 (A) the application of section 106 of the
17 National Historic Preservation Act (16 U.S.C.
18 470f) to such sale; and

19 (B) consultation with stakeholders with re-
20 spect to such sale.

21 (3) LEASING.—Not later than 1 year after the
22 date of enactment of this Act, the Postmaster Gen-
23 eral shall develop and implement a policy with re-
24 spect to, as an alternative to selling any historical
25 postal facility, leasing such facility, as permitted

1 under section 111 of the National Historic Preserva-
2 tion Act (16 U.S.C. 470h-3).

3 (4) REPORT ON USE OF GSA FOR SALE OF
4 PROPERTY.—Not later than 180 days after the date
5 of enactment of this Act, the Postmaster General
6 shall publish a report on whether the Postal Service
7 should use the Office of Real Property Disposal of
8 the General Services Administration with respect to
9 selling any historic postal facility.

10 **SEC. 5. PROPOSED POSTAL SERVICE RULE UNDER THE NA-**
11 **TIONAL ENVIRONMENTAL POLICY ACT.**

12 The proposed rule published by the Postal Service in
13 the Federal Register on January 13, 2014 (79 Fed. Reg.
14 2102 et seq.), and any subsequent rule that is substan-
15 tially the same shall have no force or effect.

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