

Public Law 105–241  
105th Congress

An Act

Sept. 28, 1998  
[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.

Postal Employees  
Safety  
Enhancement  
Act.  
39 USC 101 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Postal Employees Safety Enhancement Act”.

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

(a) **DEFINITION.**—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after “the United States” the following: “(not including the United States Postal Service)”.

(b) **FEDERAL PROGRAMS.**—

(1) **OCCUPATIONAL SAFETY AND HEALTH.**—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after “each Federal Agency” the following: “(not including the United States Postal Service)”.

(2) **OTHER SAFETY PROGRAMS.**—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after “Government of the United States” the following: “(not including the United States Postal Service)”.

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

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

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

“(A) shall consider—

“(i) the effect of such closing or consolidation on the community served by such post office;

“(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

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

“(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(v) such other factors as the Postal Service determines are necessary; and  
“(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).”.

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

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

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

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

“(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.”.

Approved September 28, 1998.

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**LEGISLATIVE HISTORY—S. 2112:**

CONGRESSIONAL RECORD, Vol. 144 (1998):  
July 31, considered and passed Senate.  
Sept. 14, considered and passed House.

