Public Law 105–241
105th Congress
An Act
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.

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 Enhance-
ment 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 “Govern-
ment 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 result-
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.”.