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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend title 39, United States Code, to require the United States Postal Service to continue maintaining cluster mailboxes that the Postal Service has historically maintained, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CASTRO of Texas introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 39, United States Code, to require the United States Postal Service to continue maintaining cluster mailboxes that the Postal Service has historically maintained, 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 Service
5 Clusterbox Responsibility Act”.

1 **SEC. 2. HISTORICALLY MAINTAINED CLUSTER BOX UNITS.**

2 (a) IN GENERAL.—Chapter 29 of title 39, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 2904. Historically maintained cluster box units**

6 “(a) IN GENERAL.—The Postal Service shall, in ac-
7 cordance with this section, maintain covered cluster box
8 units, including—

9 “(1) repairing and replacing covered cluster box
10 units; and

11 “(2) adding mailboxes to covered cluster box
12 units in accordance with subsection (c)(1).

13 “(b) MAINTENANCE DETERMINATION.—

14 “(1) IN GENERAL.—The Postal Service shall
15 determine whether a cluster box unit is a covered
16 cluster box unit.

17 “(2) APPLICATION.—A covered person for a
18 cluster box unit seeking a determination that such
19 cluster box unit is a covered cluster box unit shall
20 submit to Postal Service an application at such time
21 and in such manner as the Postal Service deter-
22 mines, and containing—

23 “(A) documentation evidencing that the
24 Postal Service has primarily maintained such
25 cluster box unit for a period of not less than 20
26 years;

1 “(B) written permission for the Postal
2 Service to maintain such cluster box unit; and

3 “(C) such other information as the Postal
4 Service determines appropriate.

5 “(3) POSTAL SERVICE DOCUMENTATION.—In
6 making the determination under paragraph (1), the
7 Postal Service shall—

8 “(A) undertake a reasonable investigation
9 to identify any documents and other informa-
10 tion of the Postal Service or reasonably avail-
11 able to the Postal Service that are relevant to
12 such determination; and

13 “(B) consider such documents and other
14 information.

15 “(4) DEADLINE.—The Postal Service shall
16 make the determination under paragraph (1) with
17 respect to a cluster box unit and notify the covered
18 person who submitted the application under para-
19 graph (2) with respect to such cluster box unit not
20 later than one month after the date on which such
21 covered person submitted such application.

22 “(c) ADDITIONAL MAIL RECEPTACLES.—

23 “(1) POSTAL SERVICE ADDITIONS.—

24 “(A) IN GENERAL.—The Postal Service
25 shall add a mailbox to a covered cluster box

1 unit if a covered person for such covered cluster
2 box unit submits to the Postal Service a notice
3 under subparagraph (B) and the Postal Service
4 determines that such an additional mailbox is
5 necessary.

6 “(B) NOTICE.—A covered person for a
7 covered cluster box unit seeking the addition of
8 a mailbox to such covered cluster box unit shall
9 submit to the Postal Service a notice at such
10 time, in such manner, and containing such in-
11 formation as the Postal Service determines ap-
12 propriate, including evidence of the need for
13 such additional mailbox.

14 “(2) ADDITIONS BY OTHERS.—If a covered per-
15 son for a covered cluster box unit adds a mailbox to
16 such covered cluster box unit in accordance with all
17 other laws and regulations, the Postal Service shall
18 maintain such covered cluster box unit, including
19 any such additional mailboxes, in accordance with
20 this section.

21 “(d) MAINTENANCE BY OTHERS.—Nothing in this
22 section shall be construed to prohibit or otherwise limit
23 a covered person for a covered cluster box unit from main-
24 taining such covered cluster box unit.

1 “(e) LIMITS.—The Postal Service shall not perform
2 any maintenance under this section that—

3 “(1) is not necessary for the function of a cov-
4 ered cluster box unit, except that the Postal Service
5 shall make repairs to the extent that such repairs
6 are incident to maintenance that is necessary for the
7 function of the covered cluster box unit;

8 “(2) is required as a result of a covered person
9 for a covered cluster box unit or any individual re-
10 siding at an address served by such covered cluster
11 box unit—

12 “(A) intentionally or willfully damaging
13 such covered cluster box unit, as determined by
14 the Postal Service; or

15 “(B) making any change to such covered
16 cluster box unit that is not necessary for the
17 function of such covered cluster box unit; or

18 “(3) pertains to the structure of a building.

19 “(f) REIMBURSEMENT.—If the Postal Service incurs
20 or will incur costs to perform maintenance under this sec-
21 tion on or for a covered cluster box unit that is required
22 by circumstances creating a legal liability on an individual
23 or entity (other than the United States) to pay damages
24 with respect to such maintenance, the Postal Service may
25 request the beneficiary to—

1 “(1) if the beneficiary enforces such liability,
2 assign to the Postal Service any right of the bene-
3 ficiary to share in money or property received in sat-
4 isfaction of such liability to the extent of such costs;
5 or

6 “(2) if the beneficiary does not enforce such li-
7 ability—

8 “(A) assign to the Postal Service any right
9 of action such beneficiary may have to enforce
10 such liability; or

11 “(B) enforce such liability and comply with
12 paragraph (1).

13 “(g) TERMINATION.—

14 “(1) IN GENERAL.—A covered cluster box unit
15 shall cease to be a covered cluster box unit if—

16 “(A) a covered person for a covered cluster
17 box unit withdraws permission for the Postal
18 Service to maintain such covered cluster box
19 unit;

20 “(B) a beneficiary that is a covered person
21 refuses a request from the Postal Service de-
22 scribed in subsection (f) with respect to mainte-
23 nance for such covered cluster box unit; or

24 “(C) the Postal Service permanently ceases
25 delivery and collection of mail to all addresses

1 served by a mailbox in such covered cluster box
2 unit or any associated receptacle for parcels.

3 “(2) WITHDRAWAL OF PERMISSION.—The
4 owner of a covered cluster box unit may withdraw
5 permission for the Postal Service to maintain such
6 covered cluster box unit only by submitting to the
7 Postal Service a written notice.

8 “(h) CLUSTER BOX UNIT MAINTENANCE FUND.—

9 “(1) IN GENERAL.—There is established in the
10 Treasury of the United States a revolving fund to be
11 called the Cluster Box Unit Maintenance Fund,
12 which shall be available to the Postal Service without
13 fiscal-year limitation to carry out this section.

14 “(2) DEPOSITS.—Notwithstanding section
15 2003(b), there shall be deposited in the Fund, sub-
16 ject to withdrawal by check by the Postal Service,
17 amounts appropriated for the use of the Postal Serv-
18 ice to carry out this section.

19 “(i) DEFINITIONS.—In this section:

20 “(1) CLUSTER BOX UNIT.—The term ‘cluster
21 box unit’ means a centralized unit of individually
22 locked compartments for the delivery and collection
23 of mail.

1 “(2) COVERED CLUSTER BOX UNIT.—The term
2 ‘covered cluster box unit’ means a cluster box unit
3 that—

4 “(A) is owned by an individual or entity,
5 other than a public entity; and

6 “(B) the Postal Service has primarily
7 maintained for a period of not less than 20
8 years.

9 “(3) COVERED PERSON.—The term ‘covered
10 person’ means, with respect to a cluster box unit, an
11 individual or entity that may give to and withdraw
12 from the Postal Service permission to maintain such
13 cluster box unit.

14 “(4) PRIMARILY MAINTAINED.—The term ‘pri-
15 marily maintained’, with respect to a cluster box
16 unit, means paid for or performed the majority of
17 the maintenance necessary for the function of the
18 cluster box unit, including repairs and replacing the
19 cluster box unit when necessary.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for chapter 29 of title 39, United States Code, is amended
22 by adding at the end the following new item:

 “2904. Historically maintained cluster box units.”.

23 (c) REGULATIONS.—Not later than 180 days after
24 the date of the enactment of this Act, the United States

- 1 Postal Service shall issue regulations carrying out the
- 2 amendments made by this Act.