

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2543

To amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2001

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, 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. SELECTION OF CARRIERS OF NON-PRIORITY**  
4                   **BYPASS MAIL TO CERTAIN POINTS IN**  
5                   **ALASKA.**

6       (a) **REQUIREMENTS FOR SELECTION.**—Section  
7 5402(g)(1) of title 39, United States Code, is amended—

1           (1) in the matter preceding subparagraph (A)  
2           by inserting after “in the State of Alaska,” the fol-  
3           lowing: “shall adhere to an equitable tender policy  
4           among the carriers and”; and

5           (2) by striking subparagraph (B) and inserting  
6           the following:

7           “(B) operate at least 1, 2, or 3 (as determined  
8           by the Postal Service based on its needs) scheduled  
9           flights each week to such point;”.

10          (b) DETERMINATION OF RATES.—Section 5402(g)(2)  
11 of such title is amended—

12           (1) by striking “and” at the end of subpara-  
13           graph (A);

14           (2) by striking the period at the end of sub-  
15           paragraph (B) and inserting “; and”; and

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

17           “(C) may offer equitable tender of non-priority  
18           bypass mail at mainline service rates to a bush car-  
19           rier providing service within the State of Alaska  
20           from a hub point to a bush point if the bush point  
21           is also being served by a mainline carrier.”.

22          (c) SELECTION OF CARRIERS TO HUB POINTS.—Sec-  
23          tion 5402(g) of such title is amended by adding at the  
24          end the following:

1       “(4)(A) Except as provided in subparagraph (B), the  
2 Postal Service shall select only existing mainline carriers  
3 to provide non-priority bypass mail service to hub points  
4 in the State of Alaska.

5       “(B) The Postal Service may select a carrier other  
6 than an existing mainline carrier to provide non-priority  
7 bypass mail service to a hub point in the State of Alaska  
8 if—

9           “(i) the Postal Service determines (in accord-  
10       ance with criteria established in advance by the  
11       Postal Service) that service to the hub point is defi-  
12       cient and provides written notice of the determina-  
13       tion to existing mainline carriers to the hub point;  
14       and

15           “(ii) after the 30-day period following issuance  
16       of notice under clause (i), the Postal Service deter-  
17       mines that deficiencies in service to the hub point  
18       have not been cured.”.

19       (d) DEFINITIONS.—Section 5402(g) of such title is  
20 further amended by adding at the end the following:

21       “(5) In this subsection—

22           “(A) the term ‘equitable tender’ means the  
23       practice of the Postal Service of equitably distrib-  
24       uting mail on a fair and reasonable basis between  
25       those air carriers that offer equivalent services be-

1       tween 2 communities in terms of the requirements  
2       of the Postal Service;

3               “(B) the term ‘existing mainline carrier’ means  
4       a mainline carrier that meets the requirements of  
5       paragraph (1) and was actually providing mainline  
6       non-priority bypass mail service within the State of  
7       Alaska as of January 1, 2001; and

8               “(C) the term ‘scheduled service’ means service  
9       published in the Official Airline Guide or the air  
10       cargo equivalent thereof.”.

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