

107TH CONGRESS
2D SESSION

H. R. 5324

To amend title 39, United States Code, relating to rural mail service in the State of Alaska.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 4, 2002

Mr. CUNNINGHAM introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 39, United States Code, relating to rural mail service in the State of Alaska.

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 “Alaska Bypass Mail
5 Fairness Act”.

6 **SEC. 2. RURAL MAIL SERVICE IN ALASKA.**

7 (a) NONPRIORITY BYPASS MAIL DEFINED.—Section
8 5402(a) of title 39, United States Code, is amended by
9 adding at the end the following:

1 “(25) the term ‘nonpriority bypass mail’ means
2 mail prepared by the mailer to bypass postal proc-
3 essing for delivery directly to the recipient under
4 Postal Service prescribed guidelines and conditions
5 and does not include nonpriority mail which is dis-
6 patched to carriers from a Postal Service facility.”.

7 (b) REQUIREMENTS FOR SELECTION.—Section
8 5402(g)(1) of such title is amended by striking “within
9 a qualified group of” and inserting “among qualified”.

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

12 (1) in subparagraph (E)(i) by inserting after
13 “subparagraph (C)” the following: “or otherwise as
14 required by paragraph (4)(C)”; and

15 (2) in subparagraph (G) by inserting “bypass”
16 after “nonpriority” the first place it appears.

17 (d) SELECTION OF CARRIERS TO HUB POINTS.—
18 Section 5402(g)(4) of such title is amended—

19 (1) in subparagraph (A) by striking “subpara-
20 graph (B) and paragraph (5)” and inserting “sub-
21 paragraphs (B) and (C) and paragraphs (5) and
22 (6)”; and

23 (2) by adding at the end the following:

24 “(C) Notwithstanding any other provision of section
25 5402(g), the Postal Service shall offer equitable tender of

1 nonpriority bypass mail between an acceptance point and
2 a HUB point at mainline or equivalent rates to a bush
3 carrier that was operating within the State of Alaska and
4 was being tendered nonpriority bypass mail between one
5 or more acceptance points and one or more HUB points
6 on January 1, 2001, at mainline or equivalent rates pro-
7 vided that such bush carrier converts to operating under
8 part 121 with respect to at least one or more aircraft with-
9 in 2 years of the date of enactment of this subparagraph
10 and further—

11 “(i) the Postal Service shall continue to tender
12 bypass mail to any such bush carrier during such 2-
13 year period using the identical criteria for dispatch
14 and removal from dispatch as it applies to mainline
15 carriers (making no distinction between passenger
16 and freight and mail carriers) if the bush carrier has
17 made application to the Federal Aviation Adminis-
18 tration for such operating authority on or before Oc-
19 tober 1, 2002;

20 “(ii) upon receipt of part 121 authority by such
21 carrier, the Postal Service shall offer equitable ten-
22 der of nonpriority bypass mail at mainline or equiva-
23 lent rates to such carrier conducting flights with air-
24 craft operating under either part 121 or part 135
25 without regard to the requirements of paragraphs

1 (1)(D)(i) and (1)(D)(ii) using the identical criteria
2 for dispatch and removal from dispatch as it applies
3 to mainline carriers (making no distinction between
4 passenger and freight and mail carriers); and

5 “(iii) evidence of a carrier having applied to op-
6 erate under part 121 shall be the date of the car-
7 rier’s preapplication submitted to the Administration
8 for such operating authority.”.

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