

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
FLAKE OF ARIZONA, OR HIS  
DESIGNEE, DEBATABLE FOR 20 MINUTES:

3

**AMENDMENT TO H.R. 22, AS REPORTED  
OFFERED BY MR. FLAKE OF ARIZONA**

Page 120, after line 8, insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. 712. PILOT PROGRAM TO TEST ALTERNATIVE METH-**  
2 **ODS FOR THE DELIVERY OF POSTAL SERV-**  
3 **ICES.**

4 (a) PILOT PROGRAM.—The United States Postal  
5 Service may conduct a pilot program to test the feasibility  
6 and desirability of alternative methods for the delivery of  
7 postal services. Subject to the provisions of this section,  
8 the pilot program shall not be limited by any lack of spe-  
9 cific authority under title 39, United States Code, to take  
10 any action contemplated or, to the extent specified in a  
11 waiver granted by the Postal Service in accordance with  
12 regulations under subsection (f), by any provision of law,  
13 rule, or regulation inconsistent with any action con-  
14 templated (any such waiver to be granted or denied in con-  
15 sultation with the Attorney General, to the extent any pro-  
16 vision of title 18, United States Code, is involved).

17 (b) REQUIREMENTS.—



1           (1) IN GENERAL.—Under the pilot program, al-  
2           ternative methods for the delivery of postal services  
3           may be tested only in those communities that submit  
4           an appropriate application (together with a written  
5           plan) in such time, form, and manner as the Postal  
6           Service by regulation requires, and whose application  
7           has been duly approved. Any such application shall  
8           include—

9                   (A) a description of the postal services that  
10                  would be affected;

11                   (B) the alternative providers selected and  
12                  the postal services each would furnish (or the  
13                  manner in which those decisions would be  
14                  made);

15                   (C) the anticipated costs and benefits to  
16                  the Postal Service and users of the mail;

17                   (D) the anticipated duration of the com-  
18                  munity's participation;

19                   (E) a specific description of any actions  
20                  contemplated for which there is a lack of spe-  
21                  cific authority or for which a waiver (as de-  
22                  scribed in subsection (a)) would be necessary;  
23                  and

24                   (F) such other information as the Postal  
25                  Service may require.



1           (2) REVIEW BOARDS.—Under the pilot pro-  
2 gram, the postmaster or postmasters within a com-  
3 munity may, in accordance with regulations pre-  
4 scribed by the Postal Service, establish a postal per-  
5 formance review board (hereinafter in this section  
6 referred to as a “review board”). It shall be the  
7 function of a review board to submit any application  
8 under paragraph (1) on behalf of the community  
9 that it represents and to carry out the plan on the  
10 basis of which any such application with respect to  
11 such community is approved. A review board shall  
12 consist of the postmaster for the community (or, if  
13 there is more than one, the postmaster designated in  
14 accordance with regulations under subsection (f)), at  
15 least 1 individual who shall represent the interests of  
16 business concerns, and at least 1 individual who  
17 shall represent the interests of users of the class of  
18 mail for which the most expeditious handling and  
19 transportation is afforded by the Postal Service. The  
20 postmaster (or postmaster so designated) shall serve  
21 as chairman of the review board.

22           (3) ALTERNATIVE PROVIDERS.—To be eligible  
23 to be selected as an alternative provider of postal  
24 services, a provider must be a commercial enterprise,



1 nonprofit organization, labor organization, or other  
2 person that—

3 (A) possesses the personnel, equipment,  
4 and other capabilities necessary to furnish the  
5 postal services concerned;

6 (B) satisfies such security and other re-  
7 quirements as may be necessary to safeguard  
8 the mail, users of the mail, and the general  
9 public;

10 (C) submits a bid to the appropriate review  
11 board in such time, form, and manner (together  
12 with such accompanying information) as the re-  
13 view board may require; and

14 (D) meets such other requirements as the  
15 review board may require, consistent with any  
16 regulations under subsection (f) that may  
17 apply.

18 (4) USE OF POSTAL FACILITIES AND EQUIP-  
19 MENT.—Postmasters shall at their discretion be per-  
20 mitted to allow alternative providers the use of facili-  
21 ties and equipment of the Postal Service, and any  
22 such proposed use shall, for purposes of the competi-  
23 tive bidding process, be taken into account using fair  
24 market value.

25 (e) LIMITATIONS.—The pilot program—



1           (1) may involve not more than a total of 20  
2           communities; and

3           (2) shall terminate not later than 5 years after  
4           the date on which the program commences.

5           (d) TERMINATION AUTHORITY.—Subject to such  
6           conditions as the Postal Service may by regulation pre-  
7           scribe and the terms of any written agreement or contract  
8           entered into in conformance with such regulations, the  
9           participation of a community in the pilot program may  
10          be terminated by the Postal Service or by the review board  
11          for such community if either determines that the contin-  
12          ued participation of the community is not in the best inter-  
13          ests of the public or the Government of the United States.

14          (e) EVALUATIONS.—The Postal Service shall provide  
15          for an evaluation of the operation of the pilot program  
16          within each community that participates. Any such evalua-  
17          tion shall examine, at least and if applicable, reliability  
18          of mail delivery (including the rate of misdeliveries), time-  
19          liness of mail delivery (including the time of day that mail  
20          is delivered and the time elapsing from the postmarking  
21          to delivery of mail), volume of mail delivered, and any cost  
22          savings or additional costs to the Postal Service attrib-  
23          utable to the use of alternative providers. Data included  
24          in any such evaluation shall be analyzed—



1 (1) by community characteristics, time of year,  
2 and type of postal service;

3 (2) by residential, business, and any other type  
4 of mail user; and

5 (3) on such other bases as the Postal Service  
6 may determine.

7 Each such evaluation and an overall evaluation of the pilot  
8 program shall be transmitted by the Postal Service to the  
9 President and each House of Congress by not later than  
10 90 days after the date on which the program terminates.

11 (f) REGULATIONS.—The Postal Service may pre-  
12 scribe any regulations necessary to carry out this section.

13 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
14 tion shall be considered to affect the obligation of the  
15 Postal Service to continue providing universal service, in  
16 accordance with otherwise applicable provisions of law, in  
17 all aspects not otherwise provided for pursuant to this sec-  
18 tion.

