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NAPUS Director of Government Relations Bob Levi conveys Postmaster-drafted questions to PRC Commissioner Nanci Langley, at National Convention. Questions covered relations between the USPS and the PRC, the scope of universal service, the future of the Postal Service, USPS performance standards, and post office closings. Postmasters can read about the interview and the rest of convention activities in the next *Postmasters Gazette*.

So Much to Do – So Little Time

On Monday, Congress returned from its summer recess and from the Democratic and Republican presidential nominating conventions. No sooner than they touched down at Reagan National Airport, than they were counting the days until they depart on September 26, for the final campaign sprint. Nevertheless, there was considerable activity on Capitol Hill that could affect the Postmasters and U.S. Postal Service.

GAO Report on Performance Standards

On Wednesday, the Government Accountability Office (GAO) submitted to Senators Susan Collins (R-ME) and Tom Carper (D-DE) a report on how delivery performance standards could be integrated into the USPS pay-for-performance (PFP) program. The report, *New Delivery Performance Measures Could Enhance Managers' Pay for Performance Programs*, outlines the postal merit pay system, provides information about the "weight" attributed to performance indicators in establishing PFP ratings, and suggests opportunities for the USPS to include delivery performance into the pay regime. In its response to GAO, the USPS indicated that it intends to "incorporate new delivery performance indicators into the PFP system." However, the USPS also noted that the success of such a plan will depend on the performance of the yet-to-be-implemented intelligent mail bar code. Moreover, alterations to Postmaster compensation, including changes to PFP, are subject to the consultation process. This process is included in Public Law 108-86, "the Postmaster Equity Act." NAPUS President Dale Goff is reviewing the 33-page document, which may be the foundation for future discussions with the Postal Service, Congress and the Postal Regulatory Commission (PRC).

Commissioner Goldway Confirmation Hearing

On Tuesday, the Senate Homeland Security and Governmental Affairs Committee conducted a confirmation hearing on PRC Commissioner Ruth Goldway. Earlier this year, President Bush re-nominated Commissioner Goldway; her current term expires in mid-November. At the hearing, the Commissioner characterized herself as an advocate for single-piece mailers, small businesses and destination-point-customers. In response to questions posed by Sen. Carper, Commissioner Goldway mused about expanding the definition of "postal products", and cautioned that runaway postal cost reductions will reduce service and stretch the network beyond its limit. The next step in the confirmation procedure is that Committee must favorably report the nomination to the full Senate for a confirmation vote.

Tobacco Mailability

On Wednesday, the House passed, by a 379-12 majority, legislation to restrict the mailability of cigarettes and smokeless tobacco. Generally, such tobacco products would no longer be able to be conveyed via U.S. mail. Rep. Anthony

Weiner (D-NY) introduced H.R. 4081 to curtail tobacco retailers from evading state and local taxes, and from selling to minors. Sen. Herb Kohl (D-WI) introduced S. 6107, the companion of the House-passed Weiner bill. The Senate Judiciary Committee favorably reported the measure a year ago. It is unlikely that the legislation will be scheduled for action prior to adjournment.

Military Voting

This week, the Senate took up S. 3001, the Fiscal Year 2009 Department of Defense authorization bill. Sen. John Cornyn (R-TX) filed an amendment that would permit absentee military ballots to be conveyed by private couriers, rather than the USPS. The amendment is similar to S. 3073 and H.R. 5673. As Postmasters recall, the Committee on House Administration conducted a hearing on military voting in April. It does not appear that Sen. Cornyn will be able to garner "unanimous consent" to move his amendment. Moreover, passage of the underlying legislation, S. 3001, is problematic.

Congressional Research Service Do Not Mail Review

On September 3, the Congressional Research Service (CRS) submitted to Congress a report entitled, *Do No Mail Initiatives and Their Potential Effects: Possible Issues for Congress*. In part, the report concluded state-initiated legislation raises serious constitutional issues regarding state power to restrict the operations of the USPS and may supplant Congressional authority over the federal agency. Also, the bills could have a negative impact on the US economy and Postal sustainability. Noting the financial strains confronting the USPS, the CRS report suggested that Congress consider legislation to enable the agency to rent "space in post offices to private vendors like banks and coffee shops". On a different note, the CRS suggested that Congress may want to "consider policies that would provide mailers with incentives to use environment-sensitive products and methods."

FERS Sick Leave Credit

Earlier this week, Sen. Cornyn, the Senate sponsor of the Senate companion to HR 1108, legislation to give the Food and Drug Administration regulatory authority of the tobacco products, indicated that the Senate is unlikely to take up the measure this year. HR 1108 includes a provision, authored by House Oversight and Government Reform Committee Chair Henry Waxman (D-CA) that provides FERS retirement credit for unused sick leave. The House passed its version of the bill on July 30 by a 326-102 margin. The September 10 issue of *CQ Today* reported that when Sen. Cornyn was asked about whether the Senate would take up H.R. 1108, he answered, "Realistically, I don't think so." According to Senate leadership staff, the crowded end-session legislative calendar renders consideration highly doubtful.

USPS-NAS Engagement Off

Last week, the USPS alerted the postal community that it requested the National Academies of Science (NAS) to cancel its workshop on the universal service obligation (USO). According to the NAS, there are no plans to reschedule the workshop. In May, the USPS engaged the NAS to review the USO. In part, the NAS intended to conduct a USO workshop, providing a forum for scholarly papers on the obligation, in response to the PRC-conducted USO study. The PRC review is mandated by the Postal Accountability and Enhancement Act.

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