

UPDATE

NAPS Leg/Reg Update - February 7, 2013

Five-Day Delivery: Risky Business

The Postal Service's [announcement](#) to move to five-day delivery relies upon a risky gambit. It presumes Congress will stop its three-decade practice of mandating Saturday delivery, leaving the door open for five-day implementation by USPS in August.

The strategy is risky, even confrontational, for several reasons. For 30 years, Congress has specifically required the Postal Service to deliver mail on Saturday through a provision contained in the annual government funding law. Congress has included the six-day rider in the law since 1983. Although the current funding law, called the Continuing Resolution or CR, is temporary and does not specifically contain the rider, it continues the provisions of the FY 2012 funding law, which contained the six-day rider. The current CR is keeping the government funded through March 27.

The Postal Service raised the five-day delivery issue on Wednesday because of the opportunity it sees in killing the six-day rider during the next phase of the budget war, later in March, between the President and the Republican House. That phase could result in the expiration of the CR on March 27, without immediate renewal, causing a government shutdown. Although a shutdown would not affect USPS operations directly, the future of the six-day rider could become

more vulnerable.

The Postal Service's strategy relies on Congress deciding not to continue to include the six-day rider in that new CR, whenever and however Congress passes it. If there were a lapse in the CR later this month, momentum arguably could move toward not including the six-day rider in the next CR or permanent appropriation for the remainder of FY 2013.

[Rep. Ander Crenshaw \(R-FL\)](#), the new chair of the [House](#) appropriations subcommittee that oversees the Postal Service and has inserted the six-day rider in the past, is likely to be more sympathetic toward dropping the six-day mandate than was his predecessor, Rep. JoAnn Emerson (R-MO), who left the House last month.

The six-day battle represents the first important move in the path toward Congressional action on comprehensive postal reform legislation in the new Congress. A final verdict on six-day delivery could be included in whatever postal legislation Congress passes this year.

NAPS supports the legislation approved by the Senate last spring (S. 1789), and NAPS President Louis Atkins yesterday [urged Congress](#) to act swiftly to pass comprehensive reform along the lines of S. 1789. That legislation would have established a review process that could terminate six-day delivery in no less than two years. Any comprehensive postal legislation passed this year could include a similar provision, but reducing the review process further. House and Senate negotiators were nearing agreement on this in postal reform compromise talks that stalled during the lame duck session in December. Last year the House legislation, which cleared committee but never made it to the floor, did not address six-day delivery directly, but provided authority to the Postal Service to add 12 non-delivery days each year, potentially on Saturdays.

Six-day delivery is certain to be one of the hot topics discussed during the [upcoming postal hearing](#) by the Senate Committee on Homeland Security and Governmental Affairs on Wednesday, February 13.

And the future of six-day delivery will be addressed when NAPS leaders head to Capitol Hill during the upcoming [NAPS Legislative Training Seminar](#) in Washington on April 7-10.

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Bruce Moyer
Legislative Counsel to NAPS
bruce@moyergroup.net