

PROVIDING FOR CONSIDERATION OF H.R. 22, POSTAL
ACCOUNTABILITY AND ENHANCEMENT ACT

JULY 25, 2005.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 380]

The Committee on Rules, having had under consideration House Resolution 380, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 22, Postal Accountability and Enhancement Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Government Reform. The rule makes in order only those amendments printed in this report, and provides that those amendments may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report.

Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of points of order is necessary because the performance goals section of the report of the Committee on Government Reform does not meet the requirements of clause 3(c)(4) of rule XIII; and because the bill, as reported, contains subject matter within the jurisdiction of the Committee on the Budget, in violation of section 306 of the Budget Act.

SUMMARY OF AMENDMENTS MADE IN ORDER

1. Pence: Removes the requirement that the first vacant slot on the Board of Governors is to be filled by an individual with unanimous backing by the labor unions. Currently, the Board of Governors consists of 9 members (with no more than 5 from the same party). (20 minutes)

2. Flake: Establishes a domestic pilot program to empower local postmasters to employ their experience and management expertise, absent the restrictions of the Postal Service's monopolies on first class mail delivery and the use of postal mailboxes, to test certain fundamental assumptions relating to the provisions of universal mail service in the United States. (20 minutes)

3. Hensarling: Reduces the bill's cost by ensuring that 100% of the Civil Service Retirement System (CSRS) savings released under H.R. 22 will be directed to pay the Postal Service's unfunded healthcare liability, instead of it flowing to the Postal Service for its own use. In addition, the responsibility for paying the CSRS costs associated with military service credits will remain with the Postal Service instead of reverting back to the Treasury. (20 minutes)

4. Jackson-Lee: Establishes a Civil Rights and Civil Liberties Board Pilot Program within the Postal Service to monitor and enforce claims of abuse that will call for congressional review after three years. (20 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PENCE OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 73, strike line 7 and all that follows through page 74, line

2.

Page 74, line 3, strike "(d)" and insert "(c)".

Page 74, strike all after "Act" on line 7 and before "any" on line 9, and insert "or".

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

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

SEC. 712. PILOT PROGRAM TO TEST ALTERNATIVE METHODS FOR THE DELIVERY OF POSTAL SERVICES.

(a) PILOT PROGRAM.—The United States Postal Service may conduct a pilot program to test the feasibility and desirability of alternative methods for the delivery of postal services. Subject to the

provisions of this section, the pilot program shall not be limited by any lack of specific authority under title 39, United States Code, to take any action contemplated or, to the extent specified in a waiver granted by the Postal Service in accordance with regulations under subsection (f), by any provision of law, rule, or regulation inconsistent with any action contemplated (any such waiver to be granted or denied in consultation with the Attorney General, to the extent any provision of title 18, United States Code, is involved).

(b) REQUIREMENTS.—

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

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

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

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

(D) the anticipated duration of the community's participation;

(E) a specific description of any actions contemplated for which there is a lack of specific authority or for which a waiver (as described in subsection (a)) would be necessary; and

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

(2) REVIEW BOARDS.—Under the pilot program, the postmaster or postmasters within a community may, in accordance with regulations prescribed by the Postal Service, establish a postal performance review board (hereinafter in this section referred to as a "review board"). It shall be the function of a review board to submit any application under paragraph (1) on behalf of the community that it represents and to carry out the plan on the basis of which any such application with respect to such community is approved. A review board shall consist of the postmaster for the community (or, if there is more than one, the postmaster designated in accordance with regulations under subsection (f)), at least 1 individual who shall represent the interests of business concerns, and at least 1 individual who shall represent the interests of users of the class of mail for which the most expeditious handling and transportation is afforded by the Postal Service. The postmaster (or postmaster so designated) shall serve as chairman of the review board.

(3) ALTERNATIVE PROVIDERS.—To be eligible to be selected as an alternative provider of postal services, a provider must be a commercial enterprise, nonprofit organization, labor organization, or other person that—

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

(B) satisfies such security and other requirements as may be necessary to safeguard the mail, users of the mail, and the general public;

(C) submits a bid to the appropriate review board in such time, form, and manner (together with such accompanying information) as the review board may require; and

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

(4) USE OF POSTAL FACILITIES AND EQUIPMENT.—Postmasters shall at their discretion be permitted to allow alternative providers the use of facilities and equipment of the Postal Service, and any such proposed use shall, for purposes of the competitive bidding process, be taken into account using fair market value.

(c) LIMITATIONS.—The pilot program—

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

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

(d) TERMINATION AUTHORITY.—Subject to such conditions as the Postal Service may by regulation prescribe and the terms of any written agreement or contract entered into in conformance with such regulations, the participation of a community in the pilot program may be terminated by the Postal Service or by the review board for such community if either determines that the continued participation of the community is not in the best interests of the public or the Government of the United States.

(e) EVALUATIONS.—The Postal Service shall provide for an evaluation of the operation of the pilot program within each community that participates. Any such evaluation shall examine, at least and if applicable, reliability of mail delivery (including the rate of misdeliveries), timeliness of mail delivery (including the time of day that mail is delivered and the time elapsing from the postmarking to delivery of mail), volume of mail delivered, and any cost savings or additional costs to the Postal Service attributable to the use of alternative providers. Data included in any such evaluation shall be analyzed—

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

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

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

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

(f) REGULATIONS.—The Postal Service may prescribe any regulations necessary to carry out this section.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect the obligation of the Postal Service to continue providing universal service, in accordance with otherwise applicable provisions of law, in all aspects not otherwise provided for pursuant to this section.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HENSARLING OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 138, line 13, strike “(h)(1)” and insert “(h)(1)(A)”.

Page 138, line 16, strike “(A)” and insert “(i)”.

Page 138, line 22, strike “(B)” and insert “(ii)”.

Page 138, line 23, strike “(i)” and insert “(I)”.

Page 139, line 1, strike “(ii)” and insert “(II)”.

Page 139, line 7, strike “(iii)” and insert “(III)”.

Page 139, after line 10, insert the following:

“(B)(i) In computing the actuarial present value of future benefits, the Office shall include the full value of benefits attributable to military and volunteer service for United States Postal Service employees first employed after June 30, 1971, and a prorated share of the value of benefits attributable to military and volunteer service for United States Postal Service employees first employed before July 1, 1971.

“(ii) Military service so included shall not be included in the computation of any amount under subsection (g)(2).

Page 142, strike line 21 and all that follows through page 143, line 7.

Page 143, line 8, strike “(d)” and insert “(c)”.

Page 147, lines 12 through 13, strike “**ESCROW AND MILITARY**” (and make such technical and conforming changes as may be appropriate).

Page 148, line 2, strike “for each of fiscal years 2006 through 2015” and insert “for fiscal year 2006 and each fiscal year thereafter”.

Page 148, line 24, strike “two-thirds of”.

Page 149, line 6, strike “two-thirds of”.

Page 149, line 25 through page 150, line 1, strike “two-thirds of”.

Page 150, line 4, strike “two-thirds of”.

Page 150, strike lines 13 through 21.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON-LEE OF TEXAS, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

TITLE X—ESTABLISHMENT OF CIVIL RIGHTS AND CIVIL LIBERTIES BOARD PILOT PROGRAM

SEC. 1001. ESTABLISHMENT OF BOARD.

There is established as an independent agency the Civil Rights and Civil Liberties Board (hereinafter in this title referred to as the “Board”).

SEC. 1002. FUNCTIONS.

The Board shall—

(1) conduct investigations and studies concerning areas in which there may be denials of civil rights or liberties or abuse of rights within the postal service;

(2) appraise and report on Federal agencies’ enforcement of laws protecting civil rights and liberties; and

(3) report on these matters to the Postal Regulatory Commission.

SEC. 1003. MEMBERSHIP AND OPERATIONS.

(a) MEMBERSHIP.—The Board shall consist of 9 members, appointed by the President by and with the advice and consent of the Senate.

(b) OPERATION.—The Board shall elect a Chair. The Chair shall convene and preside at meetings of the Board, determine its agenda, direct its work, and, as appropriate to deal with particular subject matters, establish and direct subgroups of the Board that shall consist exclusively of members of the Board. The Chair shall convene the first meeting of the Board not later than 20 days after the date of the enactment of this Act and shall thereafter convene meetings of the Board at such times as the Chair deems necessary. The Board may appoint such employees of the Board as the Board deems necessary.

SEC. 1004. POWERS.

In order to carry out its functions, the Board shall have the power to hold hearings and require the attendance of witnesses and the production of records and things it deems necessary. A subpoena by the Board may be served anywhere in the United States, and may be enforced by motion of the Board in an appropriate United States district court.