

Congressional gridlock on nominations hits home



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The current Congress appears destined to be the least productive Congress in U.S. history. It has not only failed to take up postal reform legislation, despite a relatively strong consensus among stakeholders on needed changes and a very high public approval rating for the U.S. Postal Service, it now seems to have stopped functioning at all.

So far, Congress has passed only 143 laws, many of which were bills to name post offices and other federal buildings. President Harry Truman famously labeled the 80th Congress (1947-48) the “Do-Nothing Congress.” That Congress looks positively hyperactive compared with the current one—it passed 906 laws.

Our national legislature is not even carrying out the constitutional basics of governing: It threw in the towel on adopting a budget this year; it has ignored President Obama’s request to authorize military action against terrorists in Syria and Iraq; and it is refusing to even hold a confirmation hearing on the president’s nominee to the U.S. Supreme Court, much less vote on the nomination.

Additionally, more than 175 nominations to serve in the executive branch of the government are being blocked by the Senate majority leader—and most observers believe that none of them will get voted on.

For letter carriers, the damage done by the congressional blockade on nominations is not abstract or theoretical. It’s practical and real. Right now, there is a crucial vacancy on the Postal Regulatory Commission (PRC)—and because of the congressional blockade, the president might not even nominate anybody for the vacancy before he leaves office.

The terms of two of the remaining members, Chairman Robert Taub and Commissioner Mark Acton, will expire on Oct. 14, just two months before the crucial 10-year review of the rate-making system is set to begin. If not for the provision in the law that allows commissioners to serve one “hold-over” year while replacements are found, the PRC would not have the quorum needed to conduct the review.

The stakes for letter carriers, and for the entire mailing industry, could not be higher. The PRC will have to de-

cide whether the existing rate-making system for market dominant products (letter mail, direct mail, magazines, catalogs, etc.) is achieving the goals of the Postal Accountability and Enhancement Act, and whether to replace the current Consumer Price Index-based price indexing system with something better. Leaving aside our goals for that review (for now), completing the review is crucial to the long-term viability of the Postal Service.

Yet because there is this vacancy at the PRC, there is a risk that the agency could deadlock on a new price-indexing system, causing a delay in its implementation. Worse, if no replacements are appointed before the hold-over years of Taub and Acton end in 2017, the PRC might lack a quorum to manage the litigation that is likely to follow when a new system is implemented next year.

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Continuing congressional dysfunction would impose needless damage to the Postal Service and the mailing industry. Incredibly, in hundreds of other small ways, this scenario with the PRC could be repeated across the entire federal government. This state of affairs is simply unacceptable.

And that does not even capture the whole impact of congressional dysfunction on nominations. There are now *eight* vacancies on the USPS Board of Governors, with the remaining member of the board serving in his hold-over year. In December, absent congressional action, the board will cease to function altogether. As I have argued in this space before (see the June 2013 *Postal Record*), Senate leaders—who propose board nominees to the White House—have failed to follow the law on qualifications for board nominations. The result has been partisan gridlock on five pending nominations—soon to be *six* nominations, after the most recent one was announced last month (see page 6).

A politicized selection process clearly does not work for today’s Postal Service. We don’t need a politically minded oversight board; we need a board that has the broad experience and vision to drive postal innovation and growth for the 21st century.

This is the cost of congressional dysfunction, and it must be addressed in the 2016 elections.