

Postal

ISSUE	SUMMARY	RELEVANCE	STATUS
Legislation	Legislation has been introduced that would implement sweeping, structural reforms of the USPS.	<ul style="list-style-type: none"> Without resolving the overpayment of USPS pension programs and the prefunding requirement for retiree healthcare, USPS will default and could file another exigent rate increase in 2012 Uncertainty about USPS' future will lead to further mail volume decline and rate pressure 	<ul style="list-style-type: none"> Senators Collins, Carper, Brown and Liebermann have introduced bi-partisan legislation and passed it through the Senate Homeland Security & Government Affairs Committee Rep. Issa has passed his legislation through the House Oversight and Government Reform Committee Both the House and Senate bills are awaiting floor action in their respective chamber.
6 to 5-Day Delivery	The USPS wants to eliminate Saturday delivery to reduce costs (as they say) by \$3.1 billion annually. PRC analysis has determined savings would only be \$1.7 billion and not realized for 3 years.	<ul style="list-style-type: none"> Congress can pass legislation which allows USPS to implement without PRC approval ABM has long taken the position that 5-day delivery should only be considered after all other possible cost reductions have been realized, such as significant reductions in labor costs Some ABM members have (time-sensitive) mail that is delivered on Saturday 	<ul style="list-style-type: none"> As financial position of USPS worsens, likelihood of 5-day delivery grows The House and Senate differ on this issue. The House bill would implement 5-day delivery immediately, while the Senate bill would keep 6-day delivery for two years and then give USPS the authority to move to 5-day delivery
Periodical Cost Coverage	Periodicals by law are required to cover 100% of their direct costs. The 2011 PRC Compliance Report shows periodicals to be covering only 74.9% of these costs.	<p>With USPS and policymakers examining ways to limit the Postal Service's financial losses, classes of mail that are not covering attributable costs could be hit with "catch-up" rate increases that could dramatically increase postal rates for ABM members.</p> <p>Cost coverage actually declined from 2010 to 2011, which puts more pressure on periodical rates.</p>	<ul style="list-style-type: none"> PRC is now looking to potential cost-reduction opportunities being implemented by USPS to improve coverage; PRC has asked for supplemental reports on cost-reduction programs once enacted. ABM is supporting and involved with USPS to reduce costs ABM has succeeded in amending House legislation that would have required all mail not meeting 100% cost coverage to take 5% annual increases until 90% of costs are covered. The current language delays such increases by at least two years and limits increases to no more than 2% after that time.
Reduction in Mail Processing Facilities	Because of declining revenues, the USPS does not require and must reduce the number of mail processing facilities. Their goal is to reduce from almost 500 to about 200.	<ul style="list-style-type: none"> Periodicals should be processed more efficiently, resulting in lower costs (this plan should reduce USPS costs by approx. \$3 billion) and a improvement in periodical cost coverage. Under proposal, periodical subscribers will receive later delivery. For publications dependent on timely delivery, this may have a negative impact. 	<ul style="list-style-type: none"> ABM is a member of coalition of printers, publications, transportation and software providers working with USPS on implementation. We want to mitigate later delivery and increase in postage costs as much as possible and through coalition have asked for information to run analysis. We have provided written comments to USPS detailing concerns and implementation of the plan.

Privacy / Behavioral Advertising

RELEVANCE	STATUS
<p>Dangers of overbroad privacy regulation:</p> <ul style="list-style-type: none"> • Unintended consequences of legislation written with consumer communications in mind; new laws (especially opt-in requirements) could inhibit lead generation, trade shows, list sales • Mandated Do Not Track browser mechanism could seriously inhibit the use and development of online behavioral advertising <p>ABM's current focus:</p> <ul style="list-style-type: none"> • Promote self-regulation as best solution • Exempt business information and activities from new privacy rules 	<p>Agencies:</p> <ul style="list-style-type: none"> • FTC and Commerce working on follow-ups to their December 2010 reports. Commerce report focused on industry standards-setting; FTC report suggests new privacy legal framework, including a Do Not Track mechanism built into browsers • ABM filed comments to both, advocating self-regulation and business exemptions <p>Congress:</p> <ul style="list-style-type: none"> • Rep. Jackie Speier (D-CA) – H.R. 654 would mandate Do Not Track mechanism; Rep. Bobbie Rush (D-IL) – H.R. 611 is broad privacy bill with private enforcement; Rep. Cliff Stearns (R-FL) – H.R. 1528 is limited, more business-friendly bill; Sen. John Kerry (D-MA) and Sen. John McCain – S. 799 is comprehensive privacy bill with FTC authorization; Sen. Rockefeller (D-WV) – S. 913 would mandate Do Not Track mechanism

Right to Sell & Use Data

RELEVANCE	STATUS
<p>Erosion of traditional First Amendment protections concerning collection and use of information could affect the rights of publishers like ABM members to sell and use their valuable databases.</p> <p>ABM Action: We participated in amicus brief in the U.S. Supreme Court urging strong protection for data collection, sale and use. We assist members with protecting their data collection and use activities.</p>	<p>Case: In <i>Sorrell v. IMS Health</i>, the Supreme Court in June 2011 overturned state legislation restricting sales and use of prescribing history data. Non-binding statements in the decision recognize the importance of data collection and sale, suggesting it could receive First Amendment protection in the future.</p>

INTERPRET

Issues We Interpret

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Intellectual Property	Congress and agencies continue to seek to protect U.S. intellectual property from infringement and counterfeiting.	ABM members are both creators/owners and users of intellectual property. We support strong protections for owners/creators of intellectual property, including anti-counterfeiting initiatives. We also watch proposed legislation and regulations to guard against rules that inhibit customary operations of publishers and operators of interactive websites.	The Senate PROTECT IP Act and the House Stop Online Piracy Act (SOPA) have been the focus of extensive public attention, particularly in January 2012, because of technology industry opposition to the tools the bills would create. The bills have since been pulled from consideration in the House and Senate. ABM supports anti-piracy objectives and appropriate tools. We also advise ABM members on intellectual property issues.
Open Access	The National Institutes of Health (NIH) open access policy requires publishers of journals based on NIH-funded research to provide free access to such materials within 12 months of original publication.	The NIH policy and efforts to expand it are a threat to copyright protections for publishers and could be a slippery slope for any publisher and specifically those that publish and add value to government-funded research and information. The White House Office of Science and Technology Policy (OSTP) is addressing the broader issue of public access to government-funded research.	Efforts continue on both sides of the debate to either expand the NIH policy to other federal agencies or overturn the NIH policy with an eye toward strengthening copyright protections for publishers. ABM filed comments on January 10, 2012, to OSTP, emphasizing the importance of protecting publishers' rights to fully protect and exploit their value-added content.
Data Breach	Numerous state laws impose different reporting requirements and liabilities in connection with inadvertent disclosures of customer information.	Information companies like ABM members, particularly those who assist other firms in marketing, face higher than normal risks of data breaches. With different definitions of sensitive data, and different rules and deadlines, any data breach presents many problems.	National legislation could create uniform definitions, disclosure requirements and deadlines, thus simplifying and clarifying the obligations of a party that suffers a data breach.
Geolocation	Policymakers are examining whether new regulations are needed to give government agencies, commercial entities and private citizens clear guidelines for when and how geolocation information can be accessed and used.	Consumer applications using geolocation information have flourished over the last two years. The b-to-b industry has also begun collecting and using this type of information. Consequently, any regulations regarding geolocation data should differentiate between consumers and business users and should be careful not to squelch future innovation.	<ul style="list-style-type: none"> • Two separate bills have been introduced in Congress regarding geolocation • Senator Wyden (D-OR) and Rep. Chaffetz (R-UT) have introduced S. 1212 & H.R. 2168 to give guidance on when geolocation information can be collected and used. • Senator Franken (D-MN) has introduced S. 1223 to protect against unwanted collection and use of geolocation information.

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Commercial Speech	The First Amendment commercial speech doctrine generally prohibits significant restrictions on advertising as a method for discouraging use of legal goods or services.	ABM members feel the economic impact when such measures are advanced, and therefore need to be diligent in monitoring and fighting attempts to restrict advertising.	Various federal agencies and state governments continue to seek to promote social objectives by limiting advertising of certain products and services. Much of the recent focus has been on restrictions on pharmaceutical ads.
Net Neutrality	Network neutrality refers to the absence of restrictions or priorities placed on the type of content carried over the Internet by the carriers and Internet service providers.	<p>Why we favor Net Neutrality (NN):</p> <ul style="list-style-type: none"> • NN rules would protect content providers. Without NN rules, Internet pipeline owners or service providers could favor their own or their partners' content <p>Issues we're watching:</p> <ul style="list-style-type: none"> • Even FCC-approved NN principles would only apply non-discrimination principles to the standard wired Internet, leaving issues open concerning the wireless Internet • FCC also allows "managed services" or "paid prioritization" outside of NN framework • In any NN framework, allowances for "reasonable network management" could undercut non-discrimination principle 	<ul style="list-style-type: none"> • FCC Action: FCC published its NN rules on September 23, 2011. • Courts: Verizon and others immediately challenged the rules, and the cases have been consolidated in the D.C. Circuit • Congressional Response: Because of the partisan split in Congress, congressional action is unlikely and the focus for now is on the court fight.
Hot News/ Database Protection	News aggregation services are copying and linking to current news reports, and some news organizations, especially News Corp., view this as unfair competition.	<p>News organizations could lose customers and revenue to news content aggregators, and copyright usually does not provide a remedy where only news and facts are copied. Many ABM members engage in news aggregation.</p> <p>Either new laws or court rulings could rejuvenate or expand the "hot news" doctrine that limits copying of current news.</p>	The FTC's June 15, 2010 staff report on "Potential Policy Recommendations to Support the Reinvention of Journalism" has identified enhancement of "hot news" protection as a possible policy initiative. Based on recent court decisions, narrowly construing the tort of hot news misappropriation, expanded protection for hot news, if any, would need to come from legislation.