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Legislative Days to
Summer Recess

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Postal Reform Tripartite

Usually, negotiations to resolve differences between House-passed and Senate-passed legislation would bring together representatives of the two legislative bodies to resolve their differences. However, these are not ordinary times. In spite of the fact that the House has yet to appoint its conferees, leading House and Senate postal reform advocates are talking to each other. Apparently, the White House has also engaged in a number of the discussions. Although this tripartite (i.e., three-way) dialogue is a sign of legislative movement and it helps to explore the Administration's allegiance to certain of its positions, the talks could pose a serious challenge to reaching a conference agreement.

Over the last few weeks, Chairmen Susan Collins and Tom Davis have been strategizing on how to bring an H.R. 22 Conference Agreement to the floor of the House and Senate prior to July 28. On July 28, the House leaves the Capitol for its summer recess. The GOP Senate Leadership has indicated it may recess the same day as the House. Consequently, key Republican and Democratic and staff members have been meeting, eagerly attempting to address the differences between the House-passed and Senate-passed versions of H.R. 22. Recently, the White House has substantively entered the discussions. It is uncertain what weight the Conferees will grant the Administration in their internal, behind-closed door discussions. It is also uncertain how the hands-on White House approach will affect the bipartisanship that has characterized the legislative process up till this point.

The U.S. government textbook states that the legislative process follows a roadmap where the House and Senate choose members of their own chambers to resolve differences between their two bills. Once the bills are reconciled, each legislative body passes the bill and sends the measure on to the President for his signature or veto. The Congress tends to pass or defeat a Conference Agreement based upon the merits of the product. While the President's advisors can and do communicate the White House position on key provisions of a bill, signaling a veto threat, it is not clear that White House staff should be co-equal negotiating partners within the Conference.

It appears that the White House is using its position as part of the Conference to underscore positions it articulated on July 26, 2005, in its H.R. 22 *Statement of Administration Policy* (SAP). The SAP declared a strong preference to the Senate postage rate index system, with its highly restrictive opportunity for the USPS to seek regulatory permission to adjust postage beyond the index (i.e., exigency clause). Early this week, a coalition of mailers sent a letter to Chairman Davis, requesting that the House accept the Senate's restrictive exigency language. In response, employee groups (including NAPUS) sent a letter to all conferees highlighting the inherent dangers of accepting the Senate exigency language. The 2005 SAP also expressed support for change in the factors that an "arbitrator" should consider, if a union and the USPS are unable

to reach a negotiated agreement. Clearly, the postal unions would vehemently object to any alterations that they believe would negatively impact collective-bargaining. The SAP also stated the White House belief that funding the CSRS military service credit should rest with the USPS and that the CSRS escrow account should fund the USPS' unfunded retiree health liability. H.R. 22 calls upon the U.S. Treasury to resume funding the military retirement credit and permits the USPS to access the escrow. The White House is all alone on the CSRS provisions.

The deliberations between the House and the Senate over a handful of important issues continue to be difficult. NAPUS has clearly stated its position in these issues. The U.S. Constitution equips the President with a veto pen to display his objection to a Congressionally-passed Conference Agreement, if he so desires. The President should not be granted a de facto veto, prior to a Conference Agreement being reached. Many in the postal community fear that the tripartite discussions could be leading to that scenario.

Maryland NAPUS Ally Runs for Open Senate Seat

Last year, Sen. Paul Sarbanes (D-MD) announced that he would retire at the end of the 109th Congress. Shortly thereafter, Rep. Benjamin Cardin (D-MD) declared his intention to run for the open seat. Earlier this year, Rep. Cardin addressed the 2006 NAPUS Leadership Conference.

Cardin is a longtime NAPUS ally, especially when it comes to championing legislative issues that are under the jurisdiction of the House Ways and Means Committee. The Congressman is a senior member of the panel. The committee considers such issues as Social Security, Medicare, and tax policy. Rep. Cardin has been a stalwart in supporting legislation to alleviate the impact of the Social Security Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). In addition, he has been supportive of efforts to permit the USPS to claim its rightful Medicare Part D rebate, as other employers do. The Administration has refused to allow the USPS to claim the rebate, which costs the mailing public about \$250 million per year, and burdens the USPS with FEHBP retiree obligations of more than \$6 billion.

Rep. Cardin is facing 17 other candidates in a September 12th Democratic primary. Cardin is considered the frontrunner, but he could face a stiff challenge by former Rep. Kweisi Mfume. Mfume is the former head of the National Association for the Advancement of Colored People (NAACP). Both Cardin and Mfume hail from the Baltimore area. Two factors may make this primary election close. First, two Democrats with little chance of victory could cut into Cardin's vote totals in Maryland's more affluent Washington, DC suburbs. One candidate is financing his own campaign and is already airing TV advertisements. The other candidate is a noted political science professor and CNN commentator. Second, Mfume is a dynamic speaker who is maximizing his support within the African American communities of Baltimore and the Washington, DC suburbs.

The winner of the Democratic primary will face Maryland's Republican Lieutenant Governor Michael Steele.



Rep. Benjamin Cardin (D-MD)

National Association of Postmasters of the U.S.

**8 Hebert Street
Alexandria, VA 22305**

**Tel. 703-683-9027
Fax. 703-683-0923**

Email: blevi@napus.org

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www.napus.org