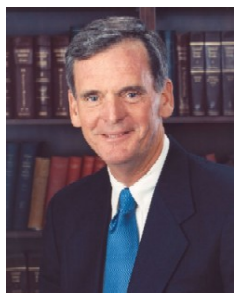




# *eNAPUS Legislative & Political Bulletin*

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Sen. Judd Gregg  
(R-NH)

## President Signs Postal Reprieve Bill

On Wednesday night, President Obama signed into law the Fiscal Year 2010 Legislative Branch Appropriations Bill (HR 2918), which includes a provision deferring \$4 billion in Postal Service contributions to pre-fund postal retiree health premiums. Without the legislation, the USPS would have had to remit to the Postal Retirees Health Benefits Trust Fund \$5.4 billion in Fiscal Year 2009, which ended at the stroke of midnight, Thursday morning. Consequently, the USPS was required to make only a \$1.4 billion payment. Hours before the President signed the measure, the Senate narrowly defeated two procedural motions that would have killed the postal provision. After dispensing with the procedural votes, the Senate passed HR 2918.

Leading up to Wednesday's three votes, NAPUS, along with other members of the postal employee community communicated with Senate offices to ensure that there were at least 60 votes to overcome the two potential procedural hurdles. Senators John McCain (R-AZ) and Judd Gregg (R-NH) raised those two obstacles. For differing reasons, they raised "points of order" against HR 2918 for violating Senate Rules. In response, Legislative Branch Appropriations Chairman Ben Nelson (D-NE) asked the Senate to waive its rules to pass the bill. Such a waiver requires a 3/5's super-majority (60 votes), not a simple majority of 51 votes.

Sen. McCain raised the first point of order. He argued that the inclusion of the Continuing Resolution (CR), violated Rule 28 of the Senate Rules. Essentially, HR 2918 contained provisions that were unrelated to either the House or Senate versions of the original legislation sent to Conference. In response, Senate Appropriations Chairman Daniel Inouye (D-HI) indicated that there was Senate precedent for adding new items to Conference Agreements and that essential government services would cease at midnight, without the inclusion of the stop-gap funding measure. The Senate, by a vote of 61-39, waived Rule 28 of the Senate Rules. The vote was generally along party-lines, Sen. Russ Feingold (D-WI) voted "NO" because the CR included funding for the wars in Iraq and Afghanistan, which he opposes. Sens. Thad Cochran (R-MS) and George Voinovich (R-OH) voted "YES."

Sen. Judd Gregg (R-NH), former Senate Budget Chairman and short-lived Obama nominee for Secretary of Commerce, raised the second point of order. He argued that the Postal provision violated the Congressional Budget Act of 1974. Gregg contended that the postal language increased federal spending by \$4 billion. (Fortunately, Sen. Gregg is not seeking re-election in 2010.) Senators Inouye and Collins disputed Sen. Gregg's blatant inaccuracy. Specifically, Senator Collins pointed out that the Congressional Budget Office concluded that the postal relief provision has no budget impact. In addition, Sen. Inouye reminded his colleagues that the provision would not add costs to the taxpayers. In the end, the Senate waived the Budget Act by the same partisan margin (61-39) as the first waiver; however, this time, GOP Sen.

Collins voted "YES" to waive the rules.

On final passage, the Senate voted for HR 2918 by a comfortable, though mainly party-line, 62-38 margin. (51 votes were necessary for passage.) Democrats voting "NO" included: Sens. Michael Bennet (D-CO), Russ Feingold (D-WI), and Claire McCaskill (D-MO). Republicans voting "YES" included: Sens. Thad Cochran (R-MS), Susan Collins (D-ME), Lisa Murkowski (R-AK), Olympia Snowe (R-ME), and George Voinovich (R-OH).

In the afterglow of the Congressional win and White House signature, it is important to note that this modest legislative victory will be fleeting if NAPUS members do not continue to regularly communicate with their elected representatives about the importance of universal postal services. NAPUS members should be commended for their tactical efforts in identifying and lobbying key members of the House and the Senate in pushing forward HR 22 and its progeny. Moreover, during the nine hours immediately preceding the Senate votes, Postmasters from Alaska, Maine, and Ohio were aggressively urging their pivotal Senators to cross party lines and support waiving the Senate rules on HR 2918, and also vote in favor of the underlying bill. They are to be commended for their efforts.

Although temporary postal relief legislation has been enacted, it is possible that S. 1507, the Senate Postal Relief legislation, which the Senate Homeland Security and Governmental Affairs Committee favorably reported earlier this year, could be considered by the Senate. S. 1507 was drafted to provide eight years of postal relief, but it also includes a controversial provision that can impact collective-bargaining. In addition, if the legislation moves to the floor it could be subject to anti-USPS and anti-Postal employee amendments. Inasmuch as the current Congressional session may extend into December, there is still time for S. 1507 to be taken up by the Senate – so stay tuned.

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## Health Care Mark-Up Continues

This week, the Senate Finance Committee adopted an amendment offered by Senators Charles Grassley (R-IA) and Jim Bunning (R-KY) to require Members of Congress, their dependents and their staff to participate in a yet-to-be-designed state-based health care exchange, beginning in 2013. Originally, Senator Grassley proposed that federal employees would also be compelled to join the exchanges.

The Committee has yet to consider the amendment proposed by Sen. Ron Wyden (D-OR), which would open up the FEHBP to the health insurance consumers who do not have a group plan of their own. The Wyden provision, if enacted would require FEHBP enrollees to subsidize the health care of the insured, because the amendment does not require a separate "risk-pool" for non-federal/postal population.

In addition, NAPUS is carefully monitoring discussions about applying a federal excise tax on "Cadillac" health insurance plans. Among the problems with proposal is that the combination of FEHBP, withdrawals from a Flexible Spending Account, and the value of enrollee-paid dental/vision insurance could add up to the envisioned "Cadillac" plan. This could subject FEHBP participants to such a health insurance tax. Nevertheless, it is important to realize that health reform legislation is a long way from reaching the Senate floor, and the Senate Leadership has yet to weigh-in.

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