

## Postal reform's

## ROAD MAP

through  
Congress

**T**raditional thinking has always been that passing laws is a simple process: a member of Congress who feels passionately about a particular issue drafts a bill, Congress votes on it and then the president signs it into law. Of course, the reality is much more complex.

To understand the process, *The Postal Record* looks at the road ahead on postal reform efforts, specifically the Postal Reform Act of 2017 (H.R. 756) and the Postal Service Financial Improvement Act of 2017 (H.R. 760), as they work their way through Congress.

As previously reported, H.R. 756 seeks to address the financial sustainability of the Postal Service by reducing the cost of future postal retiree health benefits and lowering the Federal Employees Health Benefits Program (FEHBP) premiums for the Postal Service, its employees and retirees. The underlying component of achieving this stability rests on fully integrating with Medicare (Parts A and B) and taking advantage of subsidies and low-cost prescription drugs provided by the Medicare program (Part D). The bill also contains a provision that would restore half of the 4.3 percent exigent postage rate increase that expired in 2016.

In addition, H.R. 760 aims to further strengthen the Postal Service's finances by raising the long-term rate of return on the assets of the Postal Service Retiree Health Benefits Fund. Plainly put, it would allow the Fund to be invested more wisely, rather than restricting it to low-yielding Treasury bonds. NALC hopes to see H.R. 760 incorporated into final passage of postal reform legislation to produce an improved version of H.R. 756.

"These bills contain the building blocks for successful postal reform," NALC President Fredric Rolando said, "but they are not entirely acceptable as drafted. We have encouraged the House to keep moving the ball forward on this legislation so we can continue using the process to improve the bill. Our top priorities going forward are protections for current seniors with regard to Medicare integration and the language on door delivery."

It made sense for the NALC to support moving the two bills through the House Oversight and Government Reform Committee because they have the essential elements to achieve financial stability and because the union intends to use the entire legislative process to help craft a bill that we can support fully in the end. That process, a long one, is described below.

### The House's structure

The House of Representatives, also known as the lower chamber, is made up of 435 voting members from all 50 states and non-voting members from the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Mariana Islands. The party with a majority of the seats (currently the Republicans) is known as the majority party and elects the leader of the chamber: the Speaker of the House (currently Rep. Paul Ryan of Wisconsin).

Just as there is a majority party, there is also a minority party (currently the Democrats), which continues to be led by Rep. Nancy Pelosi of California. While she may lead the

minority party, her influence in the current Congress is elevated by divisions within the Republican Party. The House Freedom Caucus and the moderate wing of the GOP often disagree on legislation. When those Republican factions can't agree, Democratic votes become necessary to pass bills and Leader Pelosi has leverage to demand changes. We have seen this dynamic with the recent debate over health care, tax reform and funding the federal government.

How does this structure affect the legislative process? Well, the House has 26 committees that oversee issues, agencies and their activities, programs and legislation within their jurisdiction, such as the Postal Service or Medicare. The membership of the committees generally matches the proportion of the two parties in the House. In the 115th Congress, this means that each committee will have more Republicans than Democrats.

The Postal Service falls under the jurisdiction of the Oversight and Government Reform Committee, which is chaired by Rep. Jason Chaffetz (R-UT), who is one of the original sponsors of H.R. 756. Rep. Elijah Cummings (D-MD) is the committee's ranking member—that is, the leading member of the committee from the minority party. Cummings also is an original sponsor of H.R. 756. As reported in the March and April issues of *The Postal Record*, H.R. 756 and H.R. 760 already have been introduced, marked up (the process of amending a bill) and voted out of the Oversight committee.

One potential bump in the road is the potential loss of one of the drafters of the bill: oversight committee Chairman Chaffetz. He announced in

April that he will not seek re-election in 2018 and may leave Congress early. What that means for the bill remains to be seen.

In any case, we turn to what happens next?

### Keeping score

One real possibility is that H.R. 756, like most bills, will just die on the vine. To illustrate how difficult it is for a bill to become a law, consider that members in the House introduced 12,063 bills and resolutions in the last Congress. Only 661 bills got a vote by the whole House and a mere 329 became laws. Unpassed bills expire at the end of each two-year session of Congress.

Many NALC activists remember when Rep. Darrell Issa (R-CA) was Oversight chairman and passed his Postal Service-crippling bill out of committee in 2013, only to see it go nowhere and die when that Congress ended.

It's less likely that H.R. 756 will follow the path of Issa's bill, since it has broad bipartisan support. Indeed, the Chaffetz-Cummings bill was co-sponsored by Reps. Stephen Lynch (D-MA), Gerry Connolly (D-VA), Mark Meadows (R-NC) and Dennis Ross (R-FL) and passed on a voice vote in the committee.

Following committee passage of nearly every bill, the non-partisan Congressional Budget Office must "score" the bill. A score is a formal cost estimate of how much the bill is expected to cost the government. In this era, when many politicians talk about reducing the amount of government spending, a bill with a low cost, or score, is more likely to pass than one with a high score.

### Referral

Moving forward, H.R. 756 must be considered by two other committees. When bills are complex and deal with topics over which other committees have jurisdiction, they must go through those committees before they can be considered by the whole House. When it was voted out of the Oversight Committee, H.R. 756 was referred to the Energy and Commerce Committee and the Committee on Ways and Means.

According to House rules, bills may be referred to more than one committee and may be split so that parts are sent to different committees. The committees will deal solely with those provisions over which they have jurisdiction. The committees can refer the bills to their subcommittees, which will allow the committee to specialize in issues. Almost everything considered by a committee originates with a vote in a subcommittee.

The full committee will then consider amendments and vote on the bill. The committee can also opt to waive its jurisdiction if it so chooses. This occurrence is rare and unlikely for H.R. 756.

So, for H.R. 756, the next actions will come from two committees that don't normally consider postal bills.

The Energy and Commerce Committee maintains principal responsibility for a broad range of issues including telecommunications, consumer protection and interstate commerce. (See box on next page.) With its responsibilities for Medicare Part D (prescription drugs)—which is one element under consideration in H.R. 756—the committee must work

# House Energy and Commerce Committee

So far, the Energy and Commerce Committee has taken no action on the retiree prescription drug components of H.R. 756. Should there be a mark-up or other action in the committee, NALC will have to act quickly to influence the legislative process. Please check the roster below to see if your House member sits on the committee. If they do, you should closely follow the debate over H.R. 756 and be prepared to call or visit your representative. NALC will use the NALC Member App for smartphones to notify you of any important developments.

## Republican

Greg Walden, OR, chairman  
Joe Barton\*, TX, vice chairman  
Michael C. Burgess\*, TX, chairman of the Subcommittee on Health  
Brett Guthrie\*, KY, vice chairman of the Subcommittee on Health  
Fred Upton\*, MI  
John Shimkus\*, IL  
Tim Murphy\*, PA  
Marsha Blackburn\*, TN  
Steve Scalise, LA  
Bob Latta, OH  
Cathy McMorris Rodgers\*, WA  
Gregg Harper, MI  
Leonard Lance\*, NJ  
Pete Olson, TX  
David McKinley, WV  
Adam Kinzinger, IL  
Morgan Griffith\*, VA  
Gus Bilirakis\*, FL  
Bill Johnson, OH  
Billy Long\*, MI  
Larry Bucshon\*, IN  
Bill Flores, TX  
Susan Brooks\*, IN  
Markwayne Mullin\*, OK  
Richard Hudson\*, NC  
Chris Collins\*, NY  
Kevin Cramer, ND  
Tim Walberg, MI  
Mimi Walters, CA  
Ryan Costello, PA  
Buddy Carter\*, GA

## Democratic

Frank Pallone, NJ, ranking member  
Gene Green\*, TX, ranking member of the Subcommittee on Health  
Bobby Rush, IL  
Anna Eshoo\*, CA  
Eliot Engel\*, NY  
Diana DeGette\*, CO  
Mike Doyle, PA  
Jan Schakowsky\*, IL  
G. K. Butterfield\*, NC  
Doris Matsui\*, CA  
Kathy Castor\*, FL  
John Sarbanes\*, MD  
Jerry McNerney, CA  
Peter Welch, VT  
Ben Ray Lujan\*, NM  
Paul Tonko, NY  
Yvette Clarke, NY  
Dave Loebsack, IA  
Kurt Schrader\*, OR  
Joseph Kennedy III\*, MA  
Tony Cárdenas\*, CA  
Raul Ruiz, CA  
Scott Peters, CA  
Debbie Dingell, MI

\* Indicates a member of the Subcommittee on Health

on that portion of the bill. On Feb. 3, the committee referred the bill to its Subcommittee on Health, which focuses solely on the committee's health issues.

The other committee that must consider H.R. 756 is the Committee on Ways and Means. (See box at right.) It is one of the most powerful in the House as it has jurisdiction over Social Security and taxes. It also is responsible for Medicare Parts A (hospitalization) and B (medical insurance), which are central to H.R. 756. On Feb. 8, it referred the bill to its own Subcommittee on Health.

With Republicans having control of both houses in Congress as well as the White House as a result of last fall's elections, both the Ways and Means and the Energy and Commerce committees have many legislative priorities, including repealing and replacing the Affordable Care Act and simplifying the tax code. Because these issues are the priority of the moment for these two committees, it is unclear when or if the two committees will take on H.R. 756.

It should be noted: Because H.R. 760 has no Medicare provision, it has not been referred to any other committees. The hope is that it can go straight to the floor of the House for consideration.

## The floor

Should H.R. 756 get through these two committees, both that bill and H.R. 760 then need to make it to the floor of the House

for a vote. But, unsurprisingly, even that isn't a simple process. Speaker of the House Ryan is the one who determines when or if a bill should be brought up on the House floor. As we recently have seen on the health-care front, the speaker has demonstrated that he will not consider a bill without having the votes necessary to pass it. With vacancies in the House, that number is currently 216 (normally 218).

Many bills simply never get floor time. And for those that do, if the tide appears to be turning and the bill lacks sufficient support, it can be withdrawn rather than voted down.

But before any bill can go to the floor for debate, it must go to the Rules Committee (often called the "traffic cop of the House"). The Rules Committee decides what is required for a bill's passage, how much time there will be for debate and whether there will be an opportunity for amendments.

Most bills are considered under a "suspension of the rules" procedure, which limits floor debate to 40 minutes and does not allow amendments to be offered by members on the floor. However, for the House to pass a bill under this procedure, the rules require that two-thirds of members voting must approve it. This isn't an option for bills that lack broad support.

The Rules Committee can adopt rules specifically tailored to the bill; for example, limiting what kinds of amendments can be offered and the number of hours



of debate. “Riders,” amendments that have nothing to do with the bill, generally are not allowed by the Rules Committee.

Finally, once the bill makes it to the House floor, the whole House will consider whatever amendments are made, usually with a simple majority needed to pass any amendment. Only then does the House vote on the bill. Of course, deals are made all the time in the House and Senate, so bills come to the floor under a variety of circumstances, which means we have to be ready for anything in the House.

### The “other body”

The herculean feat of getting a bill through the House of Representatives is only a single leg on the journey toward becoming a law. In the language of the House, we must also keep in mind the “other body,” that being the Senate. Eventually any postal bill must be taken up by the Senate, which has its own set of procedures. In general, moving legislation through the Senate is much more difficult because individual senators can block bills with even the threat of a filibuster, a maneuver that requires 60 votes to overcome. So building consensus in the Senate is especially important.

On the Senate side of the Capitol, the key committees for the postal bills are the Homeland Security and Governmental Affairs Committee (the counterpart to Oversight) and the Finance Committee (a counterpart to Ways & Means).

Regarding H.R. 756 and H.R. 760, there are no companion bills in the Senate and the plan seems to be to bring the House bills to the Senate, which can add its priorities to the bills or, alternatively, remove provisions. NALC will seek to use this process to improve both bills, should they be introduced in the Senate.

Should the House and the Senate enact different versions of postal reform legislation, the two chambers appoint “conference committee” members to meet and work out the differences. Once both sides approve the same legislation, it can finally go to the president, who decides whether to sign it into law or veto it.

“The road to passage of postal legislation gets more complex as more committees and members of Congress get involved,” NALC President Fredric Rolando said. “All stakeholders, including those in our own fragile coalition, have their own priorities and strategies, and at each step in the process, NALC will reassess our position on the bills and act appropriately.”

Rolando called on members to stay informed on legislative movement in the Congress by downloading and installing the NALC Member App on their smartphones.

“NALC members must stay engaged through the entire process,” he said, “as it is only by standing together that we will have the strength to get meaningful postal reform passed.” **PR**

## House Committee on Ways and Means

The Committee on Ways and Means has yet to take action on the provisions of H.R. 756 dealing with Medicare Parts A and B. Should there be a mark-up or other action in the committee, NALC will have to act quickly to influence the legislative process. Please check the roster below to see if your House member sits on the committee. If they do, you should closely follow the debate over H.R. 756 and be prepared to call or visit your representative. NALC will use the NALC Member App for smartphones to notify you of any important developments.

### Republican

Kevin Brady, TX, chairman  
Pat Tiberi\*, OH, chairman of the Subcommittee on Health  
Sam Johnson\*, TX  
Devin Nunes\*, CA  
Dave Reichert, WA  
Peter Roskam\*, IL  
Vern Buchanan\*, FL  
Adrian Smith\*, NE  
Lynn Jenkins\*, KS  
Erik Paulsen\*, MN  
Kenny Marchant\*, TX  
Diane Black\*, TN  
Tom Reed\*, NY  
Mike Kelly, PA  
Jim Renacci, OH  
Pat Meehan, PA  
Kristi Noem, SD  
George Holding, NC  
Jason T. Smith, MI  
Tom Rice, SC  
David Schweikert, AZ  
Jackie Walorski, IN  
Carlos Curbelo, FL  
Mike Bishop, MI

### Democratic

Richard Neal, MA, ranking member  
Sander Levin\*, MI, ranking member of the Subcommittee on Health  
John Lewis\*, GA  
Lloyd Doggett, TX  
Mike Thompson\*, CA  
John B. Larson, CT  
Earl Blumenauer\*, OR  
Ron Kind\*, WI  
Bill Pascrell, NJ  
Joseph Crowley, NY  
Danny K. Davis, IL  
Linda Sánchez, CA  
Brian Higgins\*, NY  
Terri Sewell\*, AL  
Suzan DelBene, WA  
Judy Chu, CA

\* Indicates a member of the Subcommittee on Health