

# On the record

## The actions of the Trump administration and the 116th Congress

**A**s we prepare to vote in the November elections, it is important to be armed with complete information about our elected officials in Washington. Given the overwhelming flood of news that confronts us each day with the COVID-19 pandemic, partisan battles over how to address the deep recession we face and the racial justice crisis that our country is grappling with, it can be challenging to recall what this administration and Congress have done—or not done—on matters affecting carriers and working families in general. Here, in one place, is a series of timelines outlining the record of President Donald Trump and the 116th Congress on letter carrier and working family issues.

### The Trump record

#### Postal policies

*The first timeline focuses on the administration's policies toward the United States Postal Service. Overall, it demonstrates a record of unmitigated hostility toward USPS and its employees:*

**Oct. 27, 2017:** Nominated David Williams, Robert Duncan and Calvin Tucker to serve on the postal Board of Governors; Duncan and Williams were confirmed by the Senate.

**Dec. 29, 2017:** Tweeted about the Postal Service losing billions of dollars, falsely suggesting that the losses were due to the agency not charging Amazon and other companies enough for package delivery. Claimed the Postal Service was getting “dumber and poorer.”

**March 29-April 3, 2018:** Launched a several-day tweet storm at the Postal Service, referring to it as Amazon’s “delivery boy.”

**April 12, 2018:** Announced the formation of the White House Task Force

on the United States Postal System to evaluate Postal Service pricing, policies and workforce, to be led by the Department of the Treasury.

**June 21, 2018:** Through the Office of Personnel Management (OPM), released a report called “Delivering Government Solutions in the 21st Century: Reform Plan and Recommendations,” which called for massive cuts throughout the federal government as well as the privatization of the Postal Service.

**Sep. 6, 2018:** Nominated Ron Bloom and Roman Martinez to the Postal Board of Governors. Neither were confirmed before the 2018 election.

**October 2018:** Announced intent to withdraw from the United Postal Union (UPU) after it refused to adopt pricing policies long advocated by UPS and FedEx. Nearly a year later, the administration decided to stay in UPU following a deal on international rates with China and European countries.

**Dec. 4, 2018:** Released the White House postal task force report, “USPS: A Sustainable Path Forward.” It called for massive service cuts; huge price increases on packages, pay and pension cuts; repeal of the collective-bargaining rights of postal employees; the outsourcing of postal jobs; and a major downsizing of the Universal Service Obligation (USO) to just “essential” First Class mail. In addition, the report proposed massive cuts to Federal Employees’ Compensation Act (FECA) benefits and elimination of the Federal Employees Retirement System (FERS) basic annuity in favor of a pure defined contribution plan.

**Jan. 16, 2019:** Renominated Ron Bloom, Robert Duncan, Roman Martinez and Calvin Tucker for the postal Board of Governors, since their nominations failed to advance in the previous

Congress. But the White House refused to renominate David Williams, whose holdover year term was set to end in December 2020. Tucker’s nomination was rejected; the others were confirmed.

**March 11, 2019:** Released its Fiscal Year (FY) 2020 budget proposal, which included White House postal task force proposals and the policies outlined in the OPM’s report.

**June 2019:** Nominated Ashley Polling and Ann Fisher to serve on the Postal Regulatory Commission (PRC). Both were confirmed.

**Aug. 1, 2019:** The Treasury Department demanded major policy changes before it would renew its credit line agreement with the Postal Service, in a brazen attempt to force the Postal Service to adopt some of the policies proposed by the White House postal task force. The Board of Governors, led by David Williams, opposed the loan conditions.

**Dec. 19, 2019:** Nominated William Zollars, a former transportation company executive, to serve on the USPS Board of Governors.

**Feb. 10, 2020:** Released its FY 2021 budget proposal, which once again included previously proposed budget cuts and the White House postal task force’s recommendations.

**March 2, 2020:** Nominated Captain Lee Moak, a former union president of the Air Line Pilots Association, to serve on the postal Board of Governors.

**March 16, 2020:** Opposed a \$25 billion appropriation for the Postal Service in the Coronavirus Aid, Relief and Economic Security (CARES) Act, which had passed the House of Representatives earlier in the month. The final version of the bill provided only an additional \$10 billion loan to the Postal Service, subject to Treasury Department conditions.

**April 24, 2020:** Tweeted that the Postal Service is a “joke” that must raise prices if it wants COVID-19 relief. Hours later, Trump remarked that he’d never let the Postal Service fail, stating that the “people that work there are great and we’re going to keep them happy, healthy, and well!”

**April 30, 2020:** David Williams resigned from the Board of Governors to protest Treasury Department meddling in Postal Service operations and management.

**May 6, 2020:** The Trump-appointed Board of Governors selected Louis DeJoy, a businessman and a leading Republican Party fundraiser, to become next postmaster general.

**May 26, 2020:** Tweeted that vote-by-mail would lead to corruption and fraud because California planned to send ballots to all registered voters living in the state, prompting Twitter to add a “Civic Integrity” warning label to the tweet so as to not confuse voters.

**June 22, 2020:** Tweeted claim that mail-in ballots would lead to a “rigged election” and would be printed by foreign countries, prompting Twitter to add a “Civic Integrity” warning label to the tweet so as to not confuse voters.

## **Actions and policies toward federal and postal employees**

*The next timeline focuses on the White House’s policies and actions affecting federal employees, which include letter carriers and other postal employees. It is a negative record, across the board:*

**Jan. 23, 2017:** Issued an executive order implementing a federal hiring freeze as one of his first acts as president; the Postal Service was excluded from the order.

**May 23, 2017:** Through the FY 2018 budget proposal, called for these cuts: increased employee premiums in Federal Employees Health Benefits Program (FEHBP); a pay cut via higher pension contributions for all federal employees by 1 percent per year for six years; the elimination of cost-of-living adjustments (COLAs) for FERS and reduced COLAs for Civil Service Retirement System (CSRS); pension cuts through the use of a high-5 formula instead of high-3 formula for the calculation of federal annuities; cuts to the Thrift Savings Plan (TSP) benefits by lowering the TSP’s G Fund interest rate; elimination of the supplemental annuity for FERS employees who retire before reaching the age of Social Security eligibility; and \$46 billion in cuts to the Postal Service (with the elimination of six-day and door delivery). Nearly all these cuts, which were repeated in budgets for 2018, 2019 and 2020, were blocked by Congress.

**Sept. 29, 2017:** Issued executive order to disband the National Council on Federal Labor-Management Relations. This kicked off a spree of anti-union executive orders designed to crush the ability of (non-postal) federal unions to negotiate with their agencies on working conditions and other workplace matters, including the right to unilaterally impose management’s collective-bargaining demands.

**Dec. 22, 2017:** Refused to sign government funding extension, since it did not include \$5.7 billion toward the construction of a wall along parts of the U.S.-Mexico border. The shutdown lasted 35 days, adversely affecting more than 800,000 federal employees at nine agencies who were forced to work without pay. Tens of thousands of contract employees were denied back pay by the White House.

**May 4, 2018:** Through OPM, called on Congress to incorporate White House budget proposals into stand-alone legislation that would increase FERS pension contributions by federal employees to 7.25 percent of pay (a pay cut of up to 6.45 percent), cut pensions for new retirees by moving from a high-3 to a high-5 annuity formula for FERS benefits, eliminate and reduce COLAs for FERS and CSRS retirees, respectively, and end the FERS annuity supplement for those who retire before qualifying for Social Security at age 62.

**Aug. 30, 2018:** Announced a federal pay freeze for federal employees (not letter carriers; we bargain for pay), and hours later announced regulations to index capital gains that would result in \$100 billion in tax breaks for the wealthiest Americans.

**July 17, 2019:** U.S. Department of Agriculture employees working in the Economic Research Service and National Institute of Food and Agriculture were given less than a week to decide whether to relocate 1,000 miles away to Kansas City or lose their jobs. Hundreds of experienced federal employees resigned or retired in protest.

**Dec. 12, 2019:** The Interior Department’s Bureau of Land Management told its employees to relocate from Washington, DC, to Colorado or lose their jobs. Only 15 percent of the staff moved, causing a brain drain and a loss of expertise.

## **Worker rights, health and safety, and labor unions**

*Despite promising to fight for forgotten Americans and to look out for the little guy, the Trump administration amplified the “anti-labor/pro-big business” orientation of the modern Republican Party to an extreme level:*

**May 27, 2017:** The first administration budget proposed massive cuts to Social Security and Medicare as well as cuts to Department of Labor (DOL) budget for hiring and training, while boosting DOL's budget for harassing unions with intrusive monitoring.

**June 16, 2017:** Reversed the Obama administration's policy of opposing mandatory arbitration clauses in employment contracts in the Supreme Court, siding with companies over workers in *Murphy Oil v. NLRB*. The case presaged the next four years, as the National Labor Relations Board (NLRB) is stacked with anti-union appointees who work to slow down union elections, gag workers by denying their right to communicate through company email, misclassify employees as contractors, deny workers the right to negotiate with multinational franchising companies and make it easier for employers to fire workers for union activity.

**June 27, 2017:** Argued in the Supreme Court to weaken public-sector unions in the *Janus v. AFSCME* case, reversing a 40-year-old precedent that allowed unions to collect agency fees from non-union members who benefit from labor contracts. The court sided with the administration against workers with the help of Justice Neil Gorsuch, sitting in a seat on the Supreme Court that was seen as being stolen from Judge Merrick Garland, who had been nominated in 2016.

**Sept. 5, 2017:** Ends Deferred Action of Childhood Arrivals (DACA) and Temporary Protected Status (TPS) for nearly 800,000 immigrants who were brought to this country as children—denying them the right to work and subjecting them to detention, family separations and deportation. Fortunately, the

Supreme Court ruled in July that the Trump administration had violated the Administrative Procedures Act when it repealed DACA—leaving the program in place for now.

**October 2017:** Refused to preserve or defend a 2016 DOL rule providing overtime protections for 12.5 million workers. Under the Obama administration rule, workers making less than \$51,000 this year would be automatically eligible for overtime pay. In March 2019, the Trump administration's DOL issued a new rule that lowered the threshold to just \$35,300, a move that cost 8 million workers a total of \$1 billion in lost wages.

**Dec. 22, 2017:** Signed into law the Tax Cuts and Jobs Act, which made permanent huge tax reductions for corporations and the wealthiest 1 percent of Americans, while offering modest and temporary tax cuts for working families. The legislation was riddled with special interest tax breaks to the real estate industry and offers a 50 percent tax credit for overseas profits, incentivizing the offshoring of American jobs.

**Jan. 29, 2019:** The number of inspectors for the Occupational Safety and Health Administration (OSHA) hit a record low of just 847 inspectors. Meanwhile, OSHA moved to allow companies to self-report on workplace safety.

**Feb. 5, 2020:** Vowed to veto the Protect the Right to Organize (PRO) Act, the most sweeping labor law reform passed by the House of Representatives in decades—a bill that protects the right to organize as a civil right, increases penalties for companies that fire union activists and expands collective-bargaining rights to millions.

**March 27, 2020:** Signed into law the CARES Act, which included a repeal of the “Cadillac” tax.

**May 14, 2020:** Pledged to veto the HEROES Act that would support the Postal Service, require OSHA to issue an emergency safety standard for infectious diseases, and authorize hazard pay (\$13 per hour) for front-line workers, such as letter carriers, during the COVID-19 pandemic. OSHA refused to issue the safety standard under its existing authority—even in the face of an AFL-CIO lawsuit.

**June 25, 2020:** Asked the Supreme Court to declare the Affordable Care Act (aka Obamacare) unconstitutional and thereby strip 26 million Americans of their health insurance while allowing insurance companies to deny more than 100 million citizens proper health insurance coverage because of pre-existing medical conditions. The court has taken the case and will rule on it after the November election.

## The record of the 116th Congress

*The 116th Congress has enacted just 147 bills as of this writing, many of which were bills to name post offices, making it one of the least productive Congresses in history. But taking a closer look, the real story is the lack of action in the Senate. The House of Representatives has adopted 571 bills on a wide-ranging number of substantive topics. The Senate, however, has refused to take up most of the bills adopted by the House, including many bipartisan bills, such as the USPS Fairness Act. It has instead focused on filling vacancies in the federal judiciary (200 since 2017), many of which were held vacant by GOP filibusters during the Obama years. Majority Leader Mitch McConnell (R-KY) ended the filibuster rule for federal judges in 2017.*

*The 116th Congress will be remembered primarily for enacting the United*

*States-Mexico-Canada Agreement (USMCA), an incremental update to the North American Free Trade Agreement (NAFTA), the impeachment trial of President Trump and a series of COVID-19 pandemic relief bills in 2020. A timeline review of both chambers' NALC-related actions follows.*

## House of Representatives

**Jan. 23, 2019:** Issued a continuing resolution (CR) to reopen the federal government (H. J. Res. 28) following a 35-day shutdown in December and January. The final vote was 229-184. The CR was also adopted by the Senate. The shutdown was prompted by President Trump's demand that Congress appropriate more money to build a wall on the southern border. Congress refused. The crisis ended when Trump declared an emergency and redirected Defense Department funds to the wall project, an action that a federal court ruled illegal in 2020.

**March 8, 2019:** Passed the For the People Act (H.R. 1), a comprehensive election reform bill that included a call for nationwide vote-by-mail. The final vote was 234-193. No action was taken by the Senate.

**May 17, 2019:** Passed the Equality Act (H.R. 5) to prohibit discrimination on the basis of sexual orientation, extending equal protections to all Americans, with a final vote of 236-173. (Although the bill did not advance in the Senate, the Supreme Court ruled in July by a vote of 6-3 that the Civil Rights Act of 1964 already bans discrimination on the basis of sexual orientation and gender identity.)

**July 17, 2019:** Passed the Middle Class Health Benefits Tax Repeal Act (H.R. 684) to repeal the 40 percent "Cadil-

lac" tax on health care benefits, with a final vote of 419-6. Also adopted by the Senate.

**July 18, 2019:** Passed the Raise the Wage Act (H.R. 582) to increase the federal minimum wage to \$15 per hour, with a final vote of 231-199. No action was taken by the Senate.

**Dec. 19, 2019:** Passed the USMCA trade agreement after House Democrats negotiated improvements with the Trump administration to adopt enforceable labor and environmental standards in the body of the agreement (moving them from the side agreement to the original NAFTA). The final vote was 385-41. Also adopted by the Senate.

**Feb. 5, 2020:** Passed the USPS Fairness Act (H.R. 2382) to repeal the mandate to pre-fund retiree health benefits. Passage of this bill is NALC's top legislative priority. The final vote was 309-106. No action was taken by the Senate.

**Feb. 6, 2020:** Passed the Protecting the Right to Organize (PRO) Act (H.R. 2474) to increase protections for workers' right to organize and bargain for higher wages, better benefits, safer working conditions and more. The final vote was 224-194. No action was taken by the Senate.

**March 27, 2020:** Passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748), a third COVID-19-relief bill. Rather than providing immediate funding for the Postal Service, the bill raised the agency's borrowing authority from the U.S. Treasury by \$10 billion, increasing its indebtedness. The final vote was 419-6. Also adopted by the Senate.

**May 15, 2020:** Passed the Health and Economic Recovery Omnibus Emergency

Solutions (HEROES) Act (H.R. 6800), a comprehensive COVID-19 response bill providing \$25 billion in relief to the Postal Service to cover the difference between revenue and expenses. The final vote was 208-199. Senate action was pending at the time this magazine was being prepared.

**July 2, 2020:** Passed the Move America Forward/Invest in America Act (H.R. 2), a comprehensive infrastructure bill that included \$25 billion for Postal Service infrastructure, including \$6 billion for vehicle replacement. The final vote was 233-188. No action was taken by the Senate.

## Senate

**Jan. 2, 2019:** Confirmed Michael Kubyanda to the Postal Regulatory Commission (PRC).

**Aug. 1, 2019:** Confirmed Ashley Polling and Anne Fischer to the PRC, and Ron Bloom, Roman Martinez and John Barger to the postal Board of Governors (BOG).

**Dec. 5, 2019:** Confirmed Robert Duncan to the BOG for a second term.

**Jan. 16, 2020:** Passed the USMCA with a final vote of 89-10. (See House description.)

**March 25, 2020:** Passed the CARES Act (H.R. 748), a third COVID-19-relief bill. Rather than providing immediate funding for the Postal Service, the bill raised the agency's borrowing authority from the U.S. Treasury by \$10 billion, increasing its indebtedness. The bill also included H.R. 684 to repeal the "Cadillac" tax.

**June 19, 2020:** Confirmed Lee Moak and William Zollars to serve on the BOG. **PR**