

Congress of the United States
Washington, DC 20515

December 7, 2020

Tammy L. Whitcomb
Inspector General
United States Postal Service
1735 N. Lynn St.
Arlington, VA 22209-2020

Dear Inspector General Whitcomb:

We write to request that you conduct an investigation into persistent declines in the percentage of mail delivered on-time in 17 postal districts, as well as any similar issues in other districts nationwide, in the weeks leading up to the November 2020 general election..

Less than a week before the election, Postal Service on-time delivery numbers showed a significant drop in the agency's ability to deliver ballots before Election Day, creating the possibility that countless ballots nationwide might not be delivered on time. This trend is emblematic of the decline in service performance in 17 postal districts nationwide that may impact the ability of thousands of Americans to have their votes counted in this election.¹

Beginning with "unofficial memoranda" and "stand-up talks" in mid-July, Postmaster General Louis DeJoy oversaw the implementation of numerous operational changes that undermined the Postal Service's ability to fulfill its critical mission to promptly deliver mail.² Punctuating these operational changes, in early August—just over a month into his tenure—Postmaster General DeJoy unveiled a sweeping reorganization of the Postal Service that changed the responsibilities of two dozen senior executives, further adding to confusion throughout the Postal Service.³

Following widespread condemnation by Congress and the public, Postmaster General DeJoy announced a suspension of his changes in August, stating: "to avoid even the appearance of any impact on election mail, I am suspending these initiatives until after the election is concluded."⁴ In response to an August request from several Members of Congress, your office

¹ *Swing-state voters face major mail delays in returning ballots on time, USPS data shows*, The Washington Post (Oct., 30, 2020) (online at www.washingtonpost.com/business/2020/10/30/postal-service-absentee-ballots-2020-election/)

² United States Postal Service, *Service Performance Measurement PMG Briefing*, (Aug. 12, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/PMG%20Briefing_Service%20Performance%20Management_08_12_2020.pdf)

³ *Postal Service overhauls leadership as Democrats press for investigation of mail delays*, The Washington Post (Aug. 7, 2020) (online at <https://www.washingtonpost.com/business/2020/08/07/postal-service-investigation-dejoy/>)

⁴ *Postmaster General Louis DeJoy Statement*, United States Postal Service (Aug. 18, 2020) (online at <https://about.usps.com/newsroom/national-releases/2020/0818-postmaster-general-louis-dejoy-statement.htm>)

released an audit of the Postal Service's operational changes. The results were predictable: across the board delays and service disruptions hampered the Postal Service's ability to promptly deliver mail.⁵

On August 24, 2020, during a hearing before the House Committee on Oversight and Reform, Postmaster General DeJoy assured the Committee that election mail was his "number one priority," and stated that he would authorize additional measures to ensure on-time delivery of ballots.⁶ On October 1, 2020, Postmaster General DeJoy authorized the use of "additional resources to satisfy any unforeseen demand and ensure that all Election Mail is prioritized and delivered securely and on time."⁷

While Postmaster General DeJoy seems to be unconcerned by the havoc he created in the operations of the nation's most trusted federal agency, several federal courts are not. At the end of September 2020, U.S. District Judge Gerald McHugh became the fourth federal judge to order the Postal Service to halt Postmaster General DeJoy's operational changes. Judge McHugh's ruling, similar to each of the three judges before him, indicated that these changes risked the timely delivery of ballots and damaged states' abilities to respond to the COVID-19 pandemic.⁸

Less than a week before the election, U.S. District Judge Emmet Sullivan granted an emergency motion to enforce and monitor compliance with the previous injunction he issued related to USPS services. Under this October 27, 2020, order, the Postal Service was required to notify all workers that the Postal Service's July 2020, guidelines on operational changes had been rescinded, and further ordered the agency to provide daily updates on the number of extra and late trips and on-time delivery data.⁹ The data filed by the Postal Service pursuant to this order outlined some alarming statistics, including revealing that First-Class mail was being delivered well below the Postal Service's 95 percent on-time delivery standard in several regions nationwide.¹⁰ According to Postal Service statistics, the on-time rate for ballots in 17 postal

⁵ *Operational Changes to Mail Delivery*, Office of the Inspector General, United States Postal Service (Oct. 19, 2020) (online at www.uspsoig.gov/sites/default/files/document-library-files/2020/20-292-R21.pdf)

⁶ Committee on Oversight and Reform, *Protecting the Timely Delivery of Mail, Medicine, and Mail-In Ballots* (Aug. 24, 2020) (online at <https://oversight.house.gov/legislation/hearings/protecting-the-timely-delivery-ofmail-medicine-and-mail-in-ballots>)

⁷ *USPS Postmaster General Louis DeJoy Confirms Additional Resources to Ensure Successful Delivery of Election Mail*, United States Postal Service (Oct. 1, 2020) (online at <https://about.usps.com/newsroom/national-releases/2020/1001-usps-pmg-confirms-additional-resources-ensuring-successful-delivery-election-mail.htm>)

⁸ *Federal judge in Pennsylvania joins chorus of courts barring USPS from delivery cuts*, The Washington Post (Sept. 28, 2020) (online at www.washingtonpost.com/business/2020/09/28/usps-pennsylvania-injunction-service-cuts/)

⁹ *Judge orders USPS to reverse mail collection limits now*, Politico (Oct. 27, 2020) (online at www.politico.com/news/2020/10/27/postal-service-mail-collection-433112)

¹⁰ *There's Some Troubling New Data About Slowdowns in Election Mail*, Slate (Oct. 29, 2020) (online at <https://slate.com/business/2020/10/usps-slowdowns-whats-happening-with-election-mail-in-pennsylvania-michigan-and-elsewhere.html>)

districts was only 89.1 percent, more than 5 percent lower than the national average.¹¹ While several states across the country allow for ballots to be counted if they are postmarked by Election Day, several states require ballots be received on Election Day. Thus, the failure on the part of Postal Service leadership to fulfill their responsibility to deliver all ballots in a timely manner jeopardized, and potentially invalidated, the vote of countless Americans.

On Election Day, Judge Sullivan gave the Postal Service until 3:00 p.m. Eastern Standard Time (EST) to “ensure that no ballots have been held up” in districts that have been slow to process ballots in recent weeks.¹² Shortly before 5:00 p.m. EST on Election Day, despite Judge Sullivan's order, Department of Justice (DOJ) lawyers representing the Postal Service indicated that the agency would not follow the directive. Instead, lawyers stated that the Postal Service would conduct its normal schedule of sweeping facilities between 4:00 p.m. and 8:00 p.m., providing little to no time for facilities to be swept before ballots were due.¹³ It is unclear why the Postal Service and the DOJ attorneys believed they were free to engage in such blatant disregard of and noncompliance with a court order. In addition, reports have indicated that the Postal Service failed to process tens of thousands of ballots before Election Day. If true, this failure will likely result in the disenfranchisement of these voters – an unacceptable and avoidable outcome.¹⁴

For these reasons, we request that you conduct an analysis of operational changes, or further actions taken by the Postal Service, to rectify the on-time delivery decline in the 17 postal districts identified above, as well as any similar delivery issues in other districts nationwide. While conducting this investigation, we ask that you complete a full accounting of any corrective actions taken by local Postal Service employees to ensure that all ballots were delivered as quickly as possible in districts nationwide that experienced a decrease in on-time mail delivery—including any actions taken by senior Postal Service officials to impede these efforts. As part of these parameters, please evaluate whether—and specifically how—the Postal Service complied with Postmaster General DeJoy’s announcement that he would be suspending operational changes until after the election, and what additional resources Postmaster General DeJoy authorized as part of his October 1 directive. Finally, as it became clear that sustained drops in on-time delivery were occurring nationwide, please evaluate what steps the Postal Service took to notify state election officials, or the general public, to provide guidance on ensuring ballots were requested and delivered on time.

¹¹ *Swing-state voters face major mail delays in returning ballots on time, USPS data shows*, The Washington Post (Oct. 30, 2020) (online at www.washingtonpost.com/business/2020/10/30/postal-service-absentee-ballots-2020-election/)

¹² *Federal judge orders USPS to rush delivery of mail ballots as deadlines near*, The Hill (November 3, 2020) (online at <https://thehill.com/regulation/court-battles/524228-federal-judge-orders-usps-to-rush-delivery-of-mail-ballots-as>)

¹³ *USPS disregards court order to conduct ballot sweeps in 12 postal districts after more than 300,000 ballots cannot be traced*, The Philadelphia Inquirer (Nov. 3, 2020) (online at www.inquirer.com/politics/election/usps-disregards-court-order-ballot-sweeps-12-districts-20201103.html)

¹⁴ *USPS Processed 150,000 Ballots After Election Day, Jeopardizing Thousands of Votes*, Washington Post (Nov. 5, 2020) (online at www.washingtonpost.com/business/2020/11/05/usps-late-ballots-election/)

We appreciate your attention to this matter. Please feel free to contact our offices if you have any questions.

Sincerely,



Brenda L. Lawrence
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



Gerald E. Connolly
Member of Congress



Stephen F. Lynch
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Carolyn B. Maloney
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Lauren Underwood
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Yvette D. Clarke
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Mike Doyle
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Ed Case
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Eric Swalwell
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Mike Quigley
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Marcia L. Fudge
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Alan Lowenthal
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Alcee L. Hastings
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Maxine Waters
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Steve Cohen Member of Congress	Mark DeSaulnier Member of Congress	Jerry McNerney Member of Congress
James P. McGovern Member of Congress	Thomas R. Suozzi Member of Congress	Tim Ryan Member of Congress
Adam Smith Member of Congress	Bill Foster Member of Congress	Henry C. "Hank" Johnson, Jr. Member of Congress
Raja Krishnamoorthi Member of Congress	Frank Pallone, Jr. Member of Congress	James R. Langevin Member of Congress
Bradley S. Schneider Member of Congress	Jerrold Nadler Member of Congress	Emanuel Cleaver, II Member of Congress
Betty McCollum Member of Congress	Bonnie Watson Coleman Member of Congress	Mary Gay Scanlon Member of Congress
Al Lawson Member of Congress	Daniel T. Kildee Member of Congress	Earl Blumenauer Member of Congress
André Carson Member of Congress	Jimmy Panetta Member of Congress	Lisa Blunt Rochester Member of Congress
Alexandria Ocasio-Cortez Member of Congress	Ayanna Pressley Member of Congress	John B. Larson Member of Congress

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