

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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August 27, 2020

Mr. Louis DeJoy
Postmaster General and Chief Executive Officer
United States Postal Service
475 L'Enfant Plaza, S.W.
Room 4012
Washington, D.C. 20260

Dear Mr. DeJoy:

Thank you for testifying before the Senate Committee on Homeland Security and Governmental Affairs on August 21, 2020. During the hearing, you made several commitments to provide documents and information relating to decisions you have made as Postmaster General. We are writing to reiterate our prior requests for this information and to seek clarification regarding certain statements you made during the hearing. We expect you to provide documents and full answers as soon as possible.

Ranking Member Peters requested data about on-time mail delivery in three separate letters to you on July 17,¹ July 30,² and August 17, 2020.³ You have failed to provide this data, and based on testimony you provided during our August 21 hearing, it is clear that data and documents showing a decline in on-time delivery since July 2020 existed but were not provided in response to these requests.⁴ Moreover, documents subsequently made public on August 22, 2020, by the House Committee on Oversight and Reform (COR) contradict claims you have made on this subject. On August 22, 2020, COR released a document entitled "Service Performance Measurement: PMG Briefing," a presentation given to you on August 12, 2020 that shows delays increasing significantly across the country since you instituted new practices at the Postal Service in July, with delays worse than at any other time during the coronavirus pandemic.⁵

¹ Letter from Ranking Member Gary C. Peters, to Postmaster General Louis DeJoy (July 17, 2020) (www.hsgac.senate.gov/imo/media/doc/200717_Letter_USPSServiceChanges.pdf).

² Letter from Ranking Member Gary C. Peters and Senators Schumer, Carper, and Klobuchar, to Postmaster General Louis DeJoy (July 30, 2020) (https://www.hsgac.senate.gov/imo/media/doc/200730_LettertoPMGDeJoy.pdf).

³ Letter from Ranking Member Gary C. Peters and colleagues, to Postmaster General Louis DeJoy (Aug. 17, 2020) (https://www.hsgac.senate.gov/imo/media/doc/200817_Caucus%20Letter%20to%20DeJoy.pdf).

⁴ Letter from Thomas J. Marshall, General Counsel and Executive Vice President, U.S. Postal Service, to Ranking Member Gary C. Peters, (July 22, 2020) (www.hsgac.senate.gov/imo/media/doc/20200722_USPS%20Response%20to%20Peters%20Jul%2017%20Ltr.pdf); Letter from David E. Williams, Chief Operating Officer and Executive Vice President, U.S. Postal Service, to Ranking Member Gary C. Peters et. al. (Aug. 6, 2020) (www.hsgac.senate.gov/imo/media/doc/20200806_USPS%20Response%20to%20Peters%20et%20al%20Jul%2030%20Ltr.pdf).

⁵ House Committee on Oversight and Reform, *New Postal Service Documents Show Nationwide Delays Far Worse Than Postal Service Has Acknowledged* (Aug. 22, 2020) (<https://oversight.house.gov/news/press-releases/new-postal-service-documents-show-nationwide-delays-far-worse-than-postal>).

We have also asked you specifically for information and documentation you relied on and that formed the basis for your decisions, or to confirm that no such documents or information exist. This includes information relating to your decisions and directives on transportation, reorganization, machine removals, collection box removals, the ESAS test, and decisions about post office hours and closures.⁶ At the August 21, 2020 hearing, Senator Rosen and others specifically requested information about any analyses on the impact on Postal Service customers you might have conducted in advance of implementing your operational changes. From your answers, it is unclear whether you conducted any prior analysis of how your decisions might impact on-time delivery across the country. However, as Senator Rosen called for and as Ranking Member Peters previously requested, we expect you to provide clear answers and supporting documents and information about what analysis, if any, you conducted – and whether you knew the possible impact on people before you chose to make dramatic adjustments to operations.

You have also been inconsistent in your public statements about extra trips and overtime. At the Committee’s August 21, 2020 hearing, you stated that you did not intend to eliminate extra trips and had not curtailed overtime.⁷ Directly contradicting this testimony, however, responding to Ranking Member Peters’ requests, the Postal Service has stated that you have placed an “emphasis on eliminating extra and late trips.”⁸ In addition, postal workers across the country have shared that their work hours and duties are being strictly cut off at a given time or volume, even when there is a backlog of mail.

You have also stated that you are not responsible for removal of machines, because plans for machine removal predated your tenure – and while you have paused machine removals, you believe the machines planned for removal “are not needed.”⁹ As the chief executive, you are responsible for any processes taking place under your watch, and we expect you to be aware of these matters and their impact on service. You have also stated that you will not be putting any of the removed machines back.¹⁰ This statement does not address the impact these removals, and refusals to replace, will have regarding alleviating delays in mail delivery, and we are specifically requesting documents and information that assess the effects of machine removals on processing times and mail delays.

At our August 21, 2020 hearing, you committed to moving election mail quickly, by deploying “the processes and procedures that advance any election mail, in some cases ahead of First-Class mail” and to meeting the goal of “delivering at least 95 percent of election mail within one to three days this year, the same as the Postal Service did in 2018.”¹¹ However, given your past statements and actions, we need more information about your full election mail plan, which we have requested. Given the changes you have made

⁶ Letters from Ranking Member Peters (July 17, July 30, and August 17, 2020).

⁷ Senate Committee on Oversight and Reform, *Hearing: Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots*, 116th Cong. (Aug. 24, 2020).

⁸ Letter from David E. Williams, Chief Operating Officer and Executive Vice President, U.S. Postal Service, to Ranking Member Gary C. Peters et. al. (Aug. 6, 2020) (www.hsgac.senate.gov/imo/media/doc/20200806_USPS%20Response%20to%20Peters%20et%20al%20Jul%2030%20Ltr.pdf).

⁹ Senate Committee on Homeland Security and Governmental Affairs, *Full Committee Hearing: Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections*, 116th Cong. (Aug. 21, 2020).

¹⁰ Id.

¹¹ Id.

since assuming your role just a few months ago, we are concerned about your ability to improve performance to the level required in advance of the election.

In addition, you stated during our hearing that you are “considering dramatic changes” to the Postal Service in the future.¹² You made these statements in response to questions from Senator Carper about potential changes made public in reference to internal discussions, including: changing service standards; requiring election mail to be sent First-Class; reducing nonprofit discounts; increasing prices on competitive products; leasing postal facility space for commercial purposes; changing pricing for Alaska, Hawaii, and Puerto Rico; and eliminating Alaska bypass mail.¹³ These changes would dramatically decrease service and increase costs for people who rely on the mail, disproportionately impact rural areas and particular locations, and threaten universal service. You have committed to being transparent with Congress about the formulation of the Postal Service’s long-term operational plan, and the Postal Service has briefed this Committee in the past on 10-year plan deliberations before they were complete. As such, we expect prompt updates on your anticipated changes.

Finally, you stated at our hearing that you have had no contact with anyone on President Trump’s reelection campaign. Ranking Member Peters asked “Prior to implementing the changes, did you discuss these changes or their impact on the election with any Trump campaign officials?” and you answered, “No, sir.”¹⁴ However, you gave seemingly conflicting testimony on this very subject just three days later in a separate hearing before the House Oversight and Reform Committee. In response to questioning from Representative Connolly, you first answered, “I’ve had no contact with the Trump campaign.” When Rep. Connolly asked, “Did you not tell the Board of Governors, this month in August, that in fact you had had contact with the Trump campaign, to ask them to stop their attacks on the Postal Service and voting by mail?” you answered, “when you say the Trump campaign, I’ve not spoken to Trump campaign, uh, leadership in that regard. I’ve spoken to people that are friends of mine that are associated with the campaign, yes.”¹⁵ It is concerning that you would have contact with any presidential campaign, and your conflicting testimony about private conversations you may have had calls into question the public statements you have made on this subject.

In light of these concerns and your continued failure to accurately and fully respond to past requests for information, we direct your attention again to the information requested by our Members at the August 21, 2020 hearing, and the information cited from previous document requests.¹⁶ Please provide these documents, information, and responses as soon as possible, but no later than August 31, 2020.

¹² Senate Committee on Homeland Security and Governmental Affairs, *Hearing on Examining the Finances and Operations of the United States Postal Service During COVID-19 and Upcoming Elections* (Aug. 21, 2020). (online at www.hsgac.senate.gov/examining-the-finances-and-operations-of-the-united-states-postal-service-during-covid-19-and-upcoming-elections).

¹³ Washington Post, *Postmaster General Eyes Aggressive Changes at Postal Service after Election* (August 20, 2020) (<https://www.washingtonpost.com/business/2020/08/20/us-postal-service-louis-dejoy>)

¹⁴ *Id.*

¹⁵ House Committee on Oversight and Reform, *Hearing on Protecting the Timely Delivery of Mail, Medicine, and Mail-in Ballots Service* (Aug. 24, 2020) (online at oversight.house.gov/legislation/hearings/protecting-the-timely-delivery-of-mail-medicine-and-mail-in-ballots).

¹⁶ Letters from Ranking Member Peters (July 17, July 30, and August 17, 2020).

1. **Documents related to service performance and mail delays.** Senator Peters requested “documents to get a sense of what went into these decisions and what you are seeing in terms of mail delivery” referring to several previous document requests he made, which the Postal Service did not answer. These requests¹⁷ covered:
 - a. Service performance data at the nationwide, Area, and District levels for 2020 (we are aware you can provide this data at a weekly level, for each class of mail, and showing processing and last-mile impacts).
 - b. Copies of daily Mail Condition (MCV) reports for the past month from each facility that has implemented new practices (all facilities).
2. **Documents related to the basis of your decisions as Postmaster General.** Senator Peters requested, “documents to get a sense of what went into these decisions and what you are seeing in terms of mail delivery” referring to several previous document requests he made, which the Postal Service did not answer. Again, these requests apply to all decisions made under your watch that constituents are concerned about, including your transportation directive, reorganization and the hiring freeze on managers, plans and schedules for machine removals and collection box removals, the ESAS test, and decisions about post office hours and closures. In addition to the broad request for “what went into these decisions,” we expect answers to the following previous requests.¹⁸
 - a. Any analysis conducted or factors analyzed before making such decisions, including: potential-effect on service performance, cost of implementation, and cost savings.
 - b. If you did not conduct any formal analysis, please explain why not.
 - c. Discussions held about these decisions, within and outside the Postal Service.
 - d. At the hearing, Senator Rosen also requested any analysis you conducted prior to implementing the changes to Postal Service operations you have made since assuming your role this year, including specifically any analysis done on the impact to seniors, veterans, servicemembers, and working families.
3. **Documentation of the Postal Service’s current overtime policies.** Senator Peters requested this information at the hearing – as part of this request, we look forward to receiving:
 - a. Copies of detailed overtime policies.
 - b. Copies of any written directives that Postal Service management have issued to employees in specific workplaces regarding work-hours or overtime policies, since June 2020.¹⁹

¹⁷ Id.

¹⁸ Letters from Ranking Member Peters (July 30 and August 17, 2020).

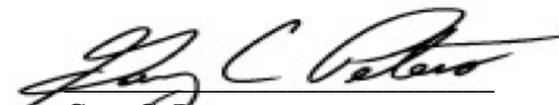
¹⁹ See also Letter from Ranking Member Peters (July 30, 2020).

4. **The Postal Service's detailed operational plan(s) for ensuring the processing and delivery of election mail**, beyond the information already provided in letters to Congress.
5. **Transcripts or minutes of all closed, non-public Board of Governors meetings in 2020.** We understand you will need to work with the Chairman of the Board of Governors to obtain this information, but, pursuant to Senator Rosen's request at the hearing, the Postal Service must provide these documents to Congress upon request to help us understand the Postal Service's decisions.
6. **Communications with Trump Election Campaign.** Pursuant to Senator Peters' questioning on this matter, please provide information sufficient to show the content and timing of communications by you or any individuals at your direction with President Donald Trump's reelection campaign. Please also provide an explanation of the inconsistent responses you gave in your Senate and House testimony with respect to questions about contacts with President Trump's reelection campaign.

The Senate Committee on Homeland Security and Governmental Affairs has jurisdiction to investigate these matters pursuant to Rule XXV of the Standing Rules of the Senate, Senate Resolution 445 (108th Congress), and Senate Resolution 70 (116th Congress).²⁰

Thank you for your attention to this matter. We look forward to your immediate response to these requests. We expect you to be transparent with Congress and the American people, since the Postal Service belongs to and serves the people.

Sincerely,



Gary C. Peters
Ranking Member



Jackie Rosen
United States Senator

²⁰ S. Rule XXV(k)(1) (11) & (2)(B); *see also* S. Res. 445 (b) (12) & (c)(2)(B), 108th Cong (2004). S. Res. 70, 116th Cong. Sec. 12(e) (2019) (enacted).