

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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October 9, 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:

After multiple congressional requests for information, your testimony before Congress, several federal court rulings prohibiting certain United States Postal Service (USPS) actions, and multiple reports, including investigative reports I released in August and September, no doubt remains that your July 2020 directives to change mail delivery practices in the midst of a pandemic directly resulted in mail delays that harmed Americans. Under pressure from Congress, the public, and the courts, the Postal Service has walked back harmful changes that caused mail delays, and has made commitments to improve election mail delivery. However, I am troubled to learn of recent and continued mail delays across the nation. With the upcoming general election less than thirty days away, I now write again to request information about steps you are taking, including in response to court orders and demands from Congress, to restore on-time mail delivery and expeditiously process absentee ballots and other election mail.

Since July 2020, I have repeatedly called on you to remedy the significant and widespread mail delays resulting from your directives. On-time delivery rates fell sharply starting in mid-July immediately following changes in mail delivery under your leadership, resulting in harm to seniors, small business owners, and others who rely on timely mail delivery.¹ On August 18, 2020, after weeks of sustained pressure from Congress and other stakeholders, and directly after you agreed to my request to appear at a hearing before the Senate Homeland Security and Governmental Affairs Committee, you announced that some of the actions causing concern would be paused until after the November election.² However, you still refused to provide complete information about the operational changes made, halted, and still in progress.

In recent weeks and in multiple ongoing lawsuits, federal judges in Washington State, New York, Pennsylvania, and the District of Columbia have issued preliminary injunctions barring the Postal Service from actions that could hinder on-time delivery. Recognizing that unprecedented numbers of Americans are expected to vote by mail this year, courts have also ordered the Postal Service to take affirmative steps to ensure election mail is delivered on time.³

¹ See U.S. Senate Committee on Homeland Security and Governmental Affairs, Minority Staff Report, *Failure to Deliver: Harm Caused by U.S. Postmaster General DeJoy's Changes to Postal Service Mail Delivery* (Sept. 16, 2020).

² U.S. Postal Service: Postmaster General Louis DeJoy Statement (Aug. 18, 2020).

³ See Decision and Order (Sept. 21, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 49; Order granting Plaintiff's Motion for Preliminary Injunction (Sept. 17, 2020), *State of Washington et al.*

The Postal Service appears to be complying with recent court orders and has taken additional steps to prioritize the timely processing and delivery of election mail. USPS has issued employee and management instructions to treat all election mail as First-Class mail and advance it to the front of the line in mail processing; has worked to expand capacity for election mail processing, including explicit instructions to run machines longer, reconnect machines needed to handle the volume, and authorize overtime; and has partnered with its unions to set up internal oversight mechanisms, intended to quickly identify and rectify any problems with processing election mail.⁴

However, despite these actions, during the week of September 19–25, only 84.2% of First-Class Mail nationwide was delivered on time, the second week in a row that on-time delivery declined after improving during late-August and early-September.⁵ While nationwide performance improved to 86.0% the week of September 26–October 2, it continued to decline in some Districts, including the Detroit District with only 72.2% on-time First-Class Mail. You have previously acknowledged that the new initiatives you ordered in July resulted in unanticipated delays. Unfortunately, USPS assertions that service performance would rapidly return to early-July levels do not appear to be accurate. In fact, on-time delivery of First-Class Mail remains below previous levels in 59 of the 67 Postal Districts across the United States.⁶ I urge you to work diligently to eliminate these delays and return service performance immediately to its target levels. USPS should use any resources necessary to achieve this goal.

I will continue my oversight of Postal Service operations to ensure the Postal Service follows through on its commitments to restore service and successfully deliver all mail, including election mail. Accordingly, I ask that you immediately explain the basis for recent delays and your plan to eliminate them, including by complying with court orders to halt Postal Service practices that previously caused delays.

Please provide the following information no later than October 16, 2020, and on a weekly basis where applicable.

Overall Service Performance

1. Please provide an explanation for fluctuations in service performance, to accompany weekly data, including specific explanations for disproportionately impacted Areas, Districts, and facilities. What specific steps have you taken to improve on-time delivery rates?

v. Trump et al., E.D. Wash. (No. 1:20-cv-03127), ECF No. 81; Order Granting in Part Plaintiff's Motion for a Preliminary Injunction (Sept. 28, 2020), *Pennsylvania et al. v. DeJoy et al.*, E.D. Pa. (No. 2:20-cv-04096), ECF No. 63; Order granting Plaintiffs' Motion for Preliminary Injunction (Sept. 27, 2020), *New York et al. v. Trump et al.*, D.D.C. (No. 1:20-cv-02340), ECF No. 51.; Order granting Plaintiffs' Motion for Preliminary Injunction (Sept. 28, 2020), *Vote Forward et al. v. DeJoy et al.*, D.D.C. (No. 1:20-cv-02405), ECF No. 31.

⁴ See U.S. Senate Committee on Homeland Security & Governmental Affairs, Ranking Member Sen. Gary C. Peters, *USPS Oversight Update* (Oct. 9, 2020).

⁵ Service Performance data for week of September 19, 2020, provided to HSGAC on October 2, 2020.

⁶ See U.S. Senate Committee on Homeland Security & Governmental Affairs, Ranking Member Sen. Gary C. Peters, *USPS Oversight Update* (Oct. 9, 2020).

2. In addition to the weekly service performance data currently provided to Congress, please provide the following metrics on a weekly basis:
 - a. The number of extra and late trips authorized;
 - b. hours of overtime authorized;
 - c. number of temporary employees hired to help handle the mail volume;
 - d. the number of machines reconnected; and
 - e. a summary of any other significant steps taken to improve overall service performance and respond to challenges.

I also ask that USPS publicly post the weekly service performance data it is currently providing to Congress and the Courts. USPS currently posts weekly press releases summarizing this data,⁷ but the public should have access to full information about mail trends so they can plan accordingly – particularly if they intend to use the mail to return a completed ballot.

Election Mail Compliance

3. Pursuant to the Court’s September 25, 2020 order in *Jones v. USPS*, the Postal Service is required to submit weekly summaries of “any and all data and information collected by USPS Headquarters regarding USPS’s handling of Election Mail at the Headquarters level and compliance with USPS policies regarding Election Mail.”⁸ Please provide us with the same weekly reports. Please include election mail service performance data, which is an important indicator although it represents only a small portion of all election mail.
4. An October 2, 2020 court filing stated that “USPS is currently collecting additional data as part of ongoing attempts to develop new techniques and metrics related to Election Mail, including its ballot cancelation performance, and other useful metrics.”⁹ Please provide us with a weekly update on any and all techniques and metrics under development related to Election Mail.

Thank you for your attention to this matter. I look forward to your response.

Sincerely,



Gary C. Peters
Ranking Member

⁷ See, e.g. U.S. Postal Service, *National News*, <https://about.usps.com/newsroom/national-releases>; U.S. Postal Service, “USPS issues new performance report for week of Sept. 19” (Oct. 1, 2020); “USPS issues new performance report for week of Sept. 12” (Sept. 24, 2020).

⁸ Order (Sept. 25, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 57.

⁹ Letter from Defendants to Hon. Victor Marrero, United States District Judge (Oct. 2, 2020), *Jones et al. v. United States Postal Service et al.*, S.D.N.Y. (No. 1:20-cv-06516), ECF No. 68.