

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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October 22, 2020

Mr. Louis DeJoy
Postmaster General
United States Postal Service
475 L'Enfant Plaza, S.W., Room 10300
Washington, D.C. 20260-1000

Dear Mr. DeJoy:

I write to reiterate my request for immediate access to the Postal Distribution Center in Merrifield, Virginia—as well as access for my Congressional colleagues to other postal facilities. Oversight of Postal Service operations is more important now than ever, particularly in light of the troubling findings of the Inspector General that actions taken by Postal Service officials slowed postal operations nationwide in the midst of a global pandemic and economic collapse.¹

This letter follows my October 2, 2020, request for a tour of the Merrifield Postal Distribution Center in my Congressional District, as well as my October 13 letter requesting your new legal analysis of the Hatch Act, which you baselessly claim prevents Members of Congress from visiting Postal Service facilities within 45 days of an election.²

The Committee on Oversight and Reform is the committee of jurisdiction for the Postal Service in the House of Representatives, and the Subcommittee on Government Operations has been charged with overseeing postal operations. As Chairman of the Subcommittee, I have a responsibility to oversee postal operations—which includes having access to postal facilities, managers, and employees—and this responsibility does not cease merely because an election is approaching. I did not seek access to the Merrifield facility in my capacity as a candidate for office, but rather to discharge my official duties as a Member of Congress and a Member of the Oversight Committee.

¹ United States Postal Service Office of Inspector General, *Operational Changes to Mail Delivery* (Oct. 19, 2020) (Report 20-292-R21) (online at www.uspsoig.gov/document/operational-changes-mail-delivery).

² Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Postmaster General Louis DeJoy, United States Postal Service (Oct. 13, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-10-13.GEC%20to%20DeJoy%20USPS%20Postmaster%20General%20Site%20Visit.pdf>).

On October 20, 2020, you sent a letter citing new Postal Service guidance that you claim was approved by the Office of Special Counsel (OSC).³ Yet OSC—the principal enforcement agency of the Hatch Act—has made it clear that the Hatch Act does **not** prohibit federal employees from allowing Members of Congress to tour federal facilities for an official purpose.⁴ According to your own letter, the portions of your Hatch Act policies that you claim OSC did not object to **did not** include your policy of prohibiting Members of Congress from postal facilities.

To the contrary, OSC wrote a letter to Chairwoman Carolyn Maloney and me on October 13, 2020, clearly stating that the Hatch Act **does not prevent Members of Congress from executing their oversight responsibilities through tours or other constitutionally required actions**. The OSC letter, included as an addendum to this letter, states:

OSC released an advisory opinion on February 15, 2018, concerning candidate visits to Federal agencies and generally cautioned employees that authorizing the use of Federal facilities for campaign purposes is prohibited by the Hatch Act. But the opinion made clear that Members of Congress, who are candidates for partisan political office, are not barred from visiting Federal facilities to execute their official, oversight responsibilities to include receiving briefings, tours, or other official information. This position remains unchanged.⁵

Your policy, for which you still have not provided a satisfactory legal justification, could effectively remove three months (90 days) of Congressional oversight during each Congress if primary elections are included in the policy. Moreover, it appears that your policy has been administered inconsistently, as some Members of Congress have reported visiting facilities as recently as October 19.⁶

Your invocation of concern about inappropriate political activity by Members of Congress fulfilling their oversight responsibilities—and among postal service employees themselves—is particularly misplaced given your own actions on behalf of President Trump and the actions of the Chairman of the Postal Service Board of Governors, Robert M. Duncan, who

³ Letter from Sheila T. Meyers, United States Postal Service, to Chairman Gerald E. Connolly, Subcommittee on Government Operations (Oct. 20, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/USPS%20Response%20to%20Chair%20Connolly_102020.pdf).

⁴ U.S. Office of Special Counsel, Federal Hatch Act Advisory: Candidate Visits to Federal Agencies (Feb. 15, 2018) (online at <https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/Federal/Candidate%20Visits%20to%20Federal%20Agencies.pdf>).

⁵ Letter from Ana Galindo-Marrone, U.S. Office of Special Counsel, to Chairwoman Carolyn D. Maloney and Chairman Gerald E. Connolly, Committee on Oversight and Reform (Oct. 13, 2020) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OSC%20Hatch%20Act%20Letter_October%202020.pdf).

⁶ *Several Lawmakers Denied Access to Postal Facilities*, Wall Street Journal (Oct. 20, 2020) (online at www.wsj.com/articles/several-lawmakers-denied-access-to-postal-facilities-11603208771).

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continues to serve on a Republican SuperPAC and appeared in a video at the Republican National Convention chanting “four more years.”⁷

It is the height of hypocrisy that you and other Trump mega-donors are now engaged in an active campaign to politicize the Postal Service while using the Hatch Act—the law that seeks to prevent inappropriate political activity—to block legitimate oversight by your Committee of jurisdiction over your disastrous operational failures that are resulting in the degradation of postal services nationwide.

As Chairman of the subcommittee of jurisdiction, I once again request that you immediately facilitate my inspection and grant other Members of Congress access to Postal Service facilities. Your legal justification for refusing to allow such oversight is without merit.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Gerald E. Connolly

Chairman

Subcommittee on Government Operations

cc: The Honorable Jody B. Hice, Ranking Member

⁷ See, e.g., *Louis DeJoy's Rise as GOP Fundraiser Was Powered by Contributions from Company Workers Who Were Later Reimbursed, Former Employees Say*, Washington Post (Sept. 6, 2020) (online at www.washingtonpost.com/investigations/louis-dejoy-campaign-contributions/2020/09/06/1187bc2c-e3fe-11ea-8181-606e603bb1c4_story.html); *PAC Led By Postal Official Pours \$20 Million into Rescuing Tillis*, New York Times (Oct. 5, 2020) (online at www.nytimes.com/2020/10/05/us/politics/super-pac-tillis-postal-service.html); *Chair of Postal Service Board Under Fire Over Little-Noticed RNC Appearance Backing 'Four More Years!' for Trump*, Common Dreams (Aug. 26, 2020) (online at www.commondreams.org/news/2020/08/26/chair-postal-service-board-under-fire-over-little-noticed-rnc-appearance-backing).