

Congress of the United States
Washington, DC 20515

September 30, 2020

Mr. Louis DeJoy
Postmaster General
U.S. Postal Service
475 L'Enfant Plaza, S.W.
Washington, DC 20260-0546

Dear Mr. DeJoy:

As Members of the New Jersey Congressional Delegation, we write to ensure the United States Postal Service (USPS) is fully prepared for the upcoming general election in New Jersey on November 3rd, which will be conducted almost entirely through vote-by-mail (VBM). Accordingly, we request an immediate visit to the Dominic V. Daniels Processing and Distribution Center in Kearny, NJ.

As you know, millions of Americans rely on the USPS for the timely delivery of mail, including protective equipment, prescription medications, census forms, tax refunds, social security checks, and election ballots. Abiding by the Universal Service Obligation (USO)ⁱ, USPS has long been held in high regard by the American publicⁱⁱ for its timely and affordable delivery of mail across every zip code. However, our constituents and the general public continue to face unusually severe mail delays as bad as at any point this year.ⁱⁱⁱ

Amidst the COVID-19 pandemic, New Jersey conducted its July 7 primary election almost entirely through VBM. An unprecedented 88% of the 1.47 million New Jerseyans who voted in the primary did so through the mail.^{iv} Of those, 9,550 ballots were rejected because they arrived after the one week deadline following election day, representing over a quarter of all ballots rejected.^v Further, USPS admitted to the New Jersey Division of Elections that it received over 6,500 ballots on or before the deadline of Jul 7, but postmarked them for July 8.^{vi} USPS has itself warned that even when voters meet state deadlines for mailing their ballot, the postal service cannot guarantee all ballots will arrive at their destination in time to be counted.^{vii} Despite this warning, USPS has also maintained that they are prepared to ensure every ballot is delivered and counted during the fast upcoming election.^{viii}

To accommodate the influx of ballots, USPS will need to maintain adequate staffing levels. Since the very start of the pandemic, letter carriers and postal workers have put themselves at great personal risk to continue their routes and ensure mail delivery goes on. The total number of USPS employees testing positive for COVID-19 has tripled from ~3,100 cases in June to ~9,600 cases in September. Further, approximately 52,700 of 630,000 USPS employees, or more than

8%, have taken leave at some point throughout the pandemic because they were sick or had to self-quarantine.^{ix}

Last month in testimony before the House Committee on Oversight and Reform, you acknowledged that employee availability is down “3% to 4% on average” but that in COVID-19 hot spots that employee availability “could be down 20%”.^x Public reporting and statements by USPS employees have indicated that the postal service has inconsistently applied policies on contact tracing, social distancing, and sick leave, while also being slow to fill staffing gaps that appear throughout the pandemic.^{xi}

Given continued concerns about timely mail delivery and staffing shortages, we ask you respond to the following **by Oct 12, 2020**:

- Have any mail-sorting machines been removed from New Jersey? If so, how many and at what locations were they removed? Please include if these removals were scheduled to occur prior to your installation as Postmaster General.
- Have any mail drop boxes been removed from New Jersey? If so, how many and at what locations were they removed? Please include if these removals were scheduled to occur prior to your installation as Postmaster General.
- New Jersey allows ballots postmarked by November 3 to be counted as a valid ballot if received by 8:00pm on November 10. What steps has USPS taken to ensure all ballots are postmarked the date they were received? Further, can USPS guarantee that all ballots postmarked by election day will arrive by the deadline on November 10?
- What is the current employee availability level in New Jersey? Please detail any locations throughout New Jersey with lower than average availability levels.
- What steps is USPS taking in New Jersey to fill staffing shortages created by employees taking leave or self-quarantining? How many new employees in New Jersey have been onboarded since the start of the pandemic?

Additionally, we request a visit to the Dominic V. Daniels Processing and Distribution Center in Kearny, NJ **by Oct 16, 2020**.

Upon requesting this visit initially on a staff level, we were informed that “Members of Congress who are running for reelection are not allowed to tour a postal facility within 45 days of a primary or general election because it places Postal Service employees at an unreasonable risk of violating the Hatch Act”. We take violations of the Hatch Act by executive branch employees very seriously. Such concerns can be mitigated without denying routine congressional oversight.

Article I, Section 8 of the U.S. Constitution authorized Congress “to establish Post Offices”, and the United States Postal Service was accordingly created and has been reformed through several acts of Congress.^{xii} As an agency carrying out the constitutionally mandated duties of Congress, it is vital USPS allows for oversight by democratically elected representatives of the people.

County clerks across New Jersey have begun mailing prepaid postage to all the state’s approximately 6.2 million registered voters. In the coming weeks, up until the night of November 3rd, New Jerseyans will complete and return these ballots, relying on USPS to follow

through on its commitment for timely delivery. This will be a massive undertaking with the future of our democracy itself on the line.

We look forward to working with you and officials in New Jersey to ensure every voter can safely cast their ballot in the upcoming national election. Thank you for your immediate attention to this request.

Sincerely,



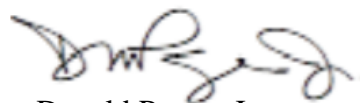
Bill Pascrell, Jr.
Member of Congress



Albio Sires
Member of Congress



Frank Pallone, Jr.
Member of Congress



Donald Payne, Jr.
Member of Congress



Donald Norcross
Member of Congress



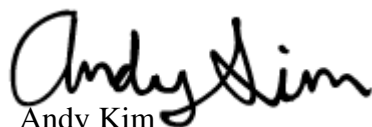
Bonnie Watson Coleman
Member of Congress



Josh Gottheimer
Member of Congress



Tom Malinowski
Member of Congress



Andy Kim
Member of Congress



Mikie Sherrill
Member of Congress

ⁱ <https://www.uspsoig.gov/sites/default/files/document-library-files/2020/RISC-WP-20-004.pdf>

ⁱⁱ <https://about.usps.com/newsroom/national-releases/2020/0415-usps-tops-list-again-as-americans-favorite-government-agency.htm>

ⁱⁱⁱ <https://www.nytimes.com/interactive/2020/09/14/upshot/is-the-mail-getting-slower-tracker.html>;

https://www.hsgac.senate.gov/imo/media/doc/200916_FullReport_PetersPostalInvestigation.pdf

^{iv} <https://www.nj.gov/state/elections/assets/pdf/election-results/vbm/vote-by-mail-ballot-chart-years-08-20.pdf>

^v <https://www.njspotlight.com/2020/09/nj-primary-election-2020-ballot-rejections-late-arrival-postal-problems/>

^{vi} <https://twitter.com/MattFriedmanNJ/status/1310624931701551105>

^{vii} https://www.washingtonpost.com/local/md-politics/usps-states-delayed-mail-in-ballots/2020/08/14/64bf3c3c-dcc7-11ea-8051-d5f887d73381_story.html

^{viii} <https://about.usps.com/newsroom/statements/082120-just-the-facts-six-things-to-know-about-the-usps.htm>

^{ix} <https://www.propublica.org/article/poorly-protected-postal-workers-are-catching-covid-19-by-the-thousands-its-one-more-threat-to-voting-by-mail>

^x <https://www.npr.org/2020/08/24/904435736/watch-postmaster-general-dejoy-testifies-in-house-oversight-hearing>

^{xi} <https://www.propublica.org/article/poorly-protected-postal-workers-are-catching-covid-19-by-the-thousands-its-one-more-threat-to-voting-by-mail>

^{xii} <https://www.law.cornell.edu/uscode/text/39>