



September 25, 2020

The Honorable Raja Krishnamoorthi
United States House of Representatives
115 Cannon House Office Building
Washington, DC 20515

Dear Congressman Krishnamoorthi:

This responds to your letter dated August 25, 2020, regarding the ethics program at the United States Postal Service (USPS) and requesting details related to the U.S. Office of Government Ethics' (OGE) oversight role.

With respect to your first question on oversight measures, in conducting oversight of agency ethics programs, OGE monitors agency compliance with executive branch ethics program requirements in order to mitigate program vulnerabilities at each agency, as well as to identify executive branch-wide trends. OGE reviews agency programs to identify and report on the strengths and weaknesses of the program by evaluating (1) agency compliance with ethics requirements as set forth in relevant laws, regulations, and policies, and (2) ethics-related systems, processes, and procedures for administering the program. OGE most recently issued an inspection report for USPS on July 7, 2020.¹ All USPS reports, beginning in 1982, are available on OGE's recently redesigned website, which allows for all reports to be filtered by type and agency.²

As part of OGE's oversight role, agencies are also statutorily required to submit annual reports to OGE.³ OGE collects this data through its Annual Agency Ethics Program Questionnaire. In addition to publishing a report of the aggregate data, OGE also posts individual agency responses, including the most recent response from USPS, on its website to increase transparency and oversight.⁴

OGE also maintains a desk officer program to support agency ethics officials when they need assistance resolving novel or unusually complex ethics issues. As part of this program, OGE regularly provides advice to employing agencies and offices upon request. OGE also contacts agency ethics officials when OGE becomes aware of potential concerns to ensure that the agency or office is analyzing and taking appropriate actions regarding the issues raised.

¹ OGE Report No. 20-35I, *USPS Inspection Report (7/7/2020)*, <https://bit.ly/2RMrJ8J>.

² *OGE.gov: Agency Ethics Documents Search Collection (2020)*, <https://bit.ly/3cmVPZK> (filtering for "Postal Service" details USPS specific documents).

³ 5 U.S.C. app. § 402(e)(1).

⁴ *CY19 Annual Questionnaire for the Postal Service (2/3/2020)*, <https://bit.ly/35Zb220>.



With respect to your second question related to OGE inquires or investigations related to USPS, it is important to note that the responsibility for investigating alleged wrongdoing and taking disciplinary or other action against an executive branch employee rests with the management of the employing agency, the relevant inspector general's office, or in the case of alleged crimes, the Justice Department.⁵ Similarly, unlike a congressional oversight committee, OGE cannot issue subpoenas, question witnesses, compel the production of documents, or take action against individuals who refuse to cooperate.⁶ However, OGE does regularly provide advice to employing agencies and offices, such as USPS, and contacts agency ethics officials when OGE becomes aware of potential problems to ensure that the agency is analyzing and taking actions regarding the issues that are raised.

With respect to your third and fourth questions, OGE's most recent review of the USPS ethics program was published on July 7, 2020, and the program is not currently under review.⁷ Ethics questions that arise are detailed and addressed in this report, and within each program report.⁸ OGE continuously provides support and guidance to agency ethics officials on an ongoing basis when they need assistance. OGE also works with USPS in conducting a second level review of the Postmaster General's financial disclosure report.

With respect to your final questions (1-4) related to records, all USPS ethics program reviews are available on OGE's website.⁹ All responses from USPS to OGE's Annual Ethics Questionnaire are also available on OGE's website.¹⁰ In addition, while not issued by OGE, the U.S. Postal Service Office of Inspector General issued an audit report on November 6, 2018, on the Postal Service Ethics Program that may be of interest.¹¹

⁵ See 5 U.S.C. app. § 402.

⁶ When questions arise as to an appointee's compliance, the law authorizes OGE only to make a recommendation that the employing agency look into the matter and consider taking appropriate action. If an agency were to decline the recommendation, OGE's only recourse would be to notify the President. See 5 U.S.C. app. § 402(f)(2)(A).

⁷ OGE Report No. 20-35I, *USPS Inspection Report* (7/7/2020), <https://bit.ly/2RMrJ8J>.

⁸ *OGE.gov: Agency Ethics Documents Search Collection* (2020), <https://bit.ly/3cmVPZK> (filtering for "Postal Service" details USPS specific documents).

⁹ OGE Report No. 20-35I, *USPS Inspection Report* (7/7/2020), <https://bit.ly/2RMrJ8J>; OGE Report No. 16-30F, *USPS Follow-up Report* (3/29/2016), <https://bit.ly/3hVcUvg>; *USPS Review Report* (2015), <https://bit.ly/3cohyRq>; *USPS Review Report* (2010), <https://bit.ly/3mLtlbN>; *USPS Review Report* (2006), <https://bit.ly/2FWJSOC>; *USPS Review Report* (2000), <https://bit.ly/2Ep062x>; *USPS Review Report* (1995), <https://bit.ly/3600dN9>; *USPS Review Report* (1993), <https://bit.ly/32SP7rz>; *USPS Review Report* (1991), <https://bit.ly/32Uh1Ds>; *USPS Review Report* (1988), <https://bit.ly/3hR1aK5>; *USPS Review Report* (1982), <https://bit.ly/3mLZiH3>.

¹⁰ *CY19 Annual Questionnaire for the Postal Service* (2/3/2020), <https://bit.ly/35Zb220>; *CY18 Annual Questionnaire for the Postal Service* (2/1/2019), <https://bit.ly/2G34ULb>; *CY17 Annual Questionnaire for the Postal Service* (2/1/2018), <https://bit.ly/32SdipP>; *CY16 Annual Questionnaire for the Postal Service* (2/1/2017), <https://bit.ly/2EnGawQ>; *CY15 Annual Questionnaire for the Postal Service* (2/1/2016), <https://bit.ly/33Q6TL9>; *CY14 Annual Questionnaire for the Postal Service* (2/2/2015), <https://bit.ly/32RigmL>.

¹¹ USPS Office of Inspector General Report Number FT-AR-19-001, *A Broader Perspective for the Postal Service Ethics Program* (11/2/2018), <https://bit.ly/3cu10aE> ("For this audit, the U.S. Postal Service Office of Inspector General (OIG) did not evaluate whether the Postal Service complied with Ethics Act requirements as mandated by the OGE. Rather, the OIG took a broader perspective of ethics programs.").

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I hope these responses and resources are helpful to you. If you require additional information or have questions, please contact OGE's Chief of Staff, Shelley K. Finlayson, at 202-482-9314.

Sincerely,

Emory A. Rounds, III
Director