

RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TRANSMIT CERTAIN DOCUMENTS IN HIS POSSESSION TO THE HOUSE OF REPRESENTATIVES RELATING TO THE SURVEILLANCE OR MONITORING OF PRO-GUN, PRO-LIFE, OR CONSERVATIVE GROUPS UNDER THE INTERNET COVERT OPERATIONS PROGRAM OPERATED BY THE UNITED STATES POSTAL INSPECTION SERVICE

DECEMBER 12, 2022.—Referred to the House Calendar and ordered to be printed

Mrs. CAROLYN B. MALONEY of New York, from the Committee on Oversight and Reform, submitted the following

ADVERSE REPORT

together with

MINORITY VIEWS

[To accompany H. Res. 1479]

The Committee on Oversight and Reform, to whom was referred the resolution (H. Res. 1479) of inquiry requesting the President transmit certain documents in his possession to the House of Representatives relating to the surveillance or monitoring of pro-gun, pro-life, or conservative groups under the Internet Covert Operations Program operated by the United States Postal Inspection Service, having considered the same, reports unfavorably thereon with an amendment and recommends that the resolution not be agreed to.

CONTENTS

	Page
Summary and Purpose of Legislation	2
Background and Need for Legislation	2
Section-by-Section Analysis	4
Legislative History	4
Committee Consideration	4
Roll Call Votes	4
Explanation of Amendments	6
List of Related Committee Hearings	6
Statement of Oversight Findings and Recommendations of the Committee	6
Statement of General Performance Goals and Objectives	6
Application of Law to the Legislative Branch	6
Duplication of Federal Programs	6
Disclosure of Directed Rule Makings	6
Federal Advisory Committee Act Statement	6

Unfunded Mandates Reform Act Statement 6
 Earmark Identification 7
 Committee Cost Estimate 7
 New Budget Authority and Congressional Budget Office Cost Estimate 7
 Changes in Existing Law Made by the Bill, as Reported 7
 Minority Views 8

The amendment is as follows:

Strike all after the resolving clause and insert the following:

That not later than 14 days after the adoption of this resolution, the President is requested to transmit to the House of Representatives, in a complete and unredacted form, a copy of any document, record, report, memo, correspondence, or other communication either generated or received by the office of the President that refers or relates to the surveillance or monitoring occurring on or after January 20, 2021, of any pro-gun, pro-life, or conservative group under the Internet Covert Operations Program (commonly referred to as “iCOP”) operated by the United States Postal Inspection Service.

SUMMARY AND PURPOSE OF LEGISLATION

H. Res. 1479 directs the President to transmit certain documents in his possession to the House of Representatives relating to the surveillance or monitoring of pro-gun, pro-life, or conservative groups under the Internet Covert Operations Program (iCOP) operated by the United States Postal Inspection Service (USPIS).

BACKGROUND AND NEED FOR LEGISLATION

The Committee opposes this resolution, which is a partisan effort by Republicans to falsely insinuate that President Biden has used USPIS to surveil conservative groups. While the Committee has worked on a bipartisan basis to investigate potential inappropriate surveillance of First Amendment activity through iCOP, this resolution would not advance that effort in any meaningful way. Instead, the resolution appears designed to stir up partisan outrage without justification and seeks documents from President Biden about a program dating back to 2018 that was run out of the Postal Service—an independent agency—under the leadership of a Republican Postmaster General appointed during the Trump Administration.

In April 2021, press reports highlighted the activities of USPIS’s iCOP program and the program’s surveillance of Americans’ social media posts related to protest activities planned by both liberal and conservative groups. The reports indicate that intelligence gathered by this surveillance was shared with the Department of Homeland Security for wider distribution to other law enforcement agencies.¹

In response, the Committee held two bipartisan staff briefings with the USPIS on April 23, 2021, and May 14, 2021, to learn more about the iCOP program. These briefings raised additional questions about the program and its use of open-source data to gather intelligence on possible threats to Postal Service facilities and personnel, including on protected First Amendment activity.

¹ *The Postal Service Is Running a “Covert Operations Program” That Monitors Americans’ Social Media Posts*, Yahoo! News (Apr. 21, 2021) (online at https://news.yahoo.com/the-postal-service-is-running-a-running-a-covert-operations-program-that-monitors-americans-social-media-posts-160022919.html?soc_src=social-sh&soc_trk=tw&tsrc=twtr&guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZGFpbHlb3MuY29tLw&guce_referrer_sig=AQAAAI04iksKrtUrRpPMHxqI7ZghLdm1ui08GyY_IpXhifAq1v0IY_AC5sArs9mQU9TQXhAyb3DhbQvO7EMXeBvonA_XypiWYmlhSq58I1-UvSTqRNR5_KLipgG5vqH8xWoUTaiEGRLcsE759BRWkWiDwKbSWGqLz_JFOBQviYfo0FU_gu).

On May 25, 2021, Chairwoman Carolyn B. Maloney and Ranking Member James Comer sent a bipartisan letter to Tammy L. Whitcomb, Inspector General of the Postal Service, expressing concerns about the USPIS using iCOP to perform intelligence operations on First Amendment activity. The bipartisan letter requested that the Inspector General conduct an evaluation of iCOP, specifically addressing whether the USPIS had the authority to conduct online intelligence operations targeting people in the United States, the impact of these operations, the specific search methods and tools used by analysts, and any internal processes in place to ensure accountability.²

The Inspector General accepted the Committee's request and conducted a review of iCOP's activities from October 2018 through June 2021, covering 160 cases and 70 reports. The Inspector General also conducted interviews and reviewed iCOP's policies, procedures, and related contracts.

The IG released a report on March 25, 2022,³ which found that, in some instances, iCOP's use of open-source intelligence tools went beyond its law enforcement authority and identified areas for improvement in iCOP's policies and procedures. The report explained:

[C]ertain proactive searches iCOP conducted using an open-source intelligence tool from February to April 2021 exceeded the Postal Inspection Service's law enforcement authority. Furthermore, we could not corroborate whether other work analysts completed from October 2018 through June 2021 was legally authorized. The Postal Inspection Service's activities must have an identified connection to the mail, postal crimes, or the security of Postal Service facilities or personnel (postal nexus) prior to commencing. However, the keywords used for iCOP in the proactive searches did not include any terms with a postal nexus. Further, the postal nexus was not documented in 122 requests and 18 reports due to a lack of requirements in the program's procedures. These issues occurred because management did not involve the Postal Inspection Service's Office of Counsel in developing iCOP or its procedures.⁴

Postal Service management expressed disagreement with some of the IG's findings and recommendations in the report but agreed to undertake remedial measures to address the Inspector General's recommendations, including conducting an internal review of the program's activities and procedures.⁵

Given that the Committee has already been pursuing effective bipartisan oversight to address concern about iCOP and that this resolution of inquiry is highly partisan, misleading, and unlikely to yield any useful information, the Committee recommends not considering this resolution further.

²Letter from Chairwoman Carolyn B. Maloney and Ranking Member James Comer, Committee on Oversight and Reform, to Inspector General Tammy L. Whitcomb, United States Postal Service, Office of Inspector General (May 25, 2021) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-05-25.CBM%20Comer%20to%20Whitcomb-USPS%20IG%20re%20iCOP.pdf>).

³United States Postal Service, Office of Inspector General, *U.S. Postal Inspection Service's Online Analytical Support Activities* (Mar. 25, 2022) (online at www.uspsoig.gov/sites/default/files/document-library-files/2022/21-191-R22.pdf).

⁴*Id.*

⁵*Id.*

SECTION-BY-SECTION ANALYSIS

H. Res. 1479 directs the President to transmit certain documents in his possession to the House of Representatives relating to the surveillance or monitoring of pro-gun, pro-life, or conservative groups under iCOP, operated by USPIS.

LEGISLATIVE HISTORY

H. Res. 1479 was introduced on November 16, 2022, by Representative Andrew Clyde. The resolution was referred to the Committee on Oversight and Reform.

COMMITTEE CONSIDERATION

On December 6, 2022, the Committee met in open session and, with a quorum being present, considered H. Res. 1479. The resolution was ordered reported unfavorably, as amended, on December 6, 2022.

ROLL CALL VOTES

There was one roll call vote during consideration of H. Res. 1479. Chairwoman Maloney's amendment in the nature of a substitute was agreed to by voice vote. H. Res. 1479 was ordered unfavorably reported to the House on a roll call vote of 23 to 18.

COMMITTEE ON OVERSIGHT AND REFORM

117TH CONGRESS

RATIO 25-19

ROLL CALL

Vote on: H. Res. 1479, as amended, was unfavorably reported to the house

Date: 12-6-2022

VOTE #: 1

Democrats	Aye	No	Present	Republicans	Aye	No	Present
MS. MALONEY (NY) <i>(Chairwoman)</i>	X			MR. COMER (KY) <i>(Ranking Member)</i>		X	
MS. NORTON (DC)	X			MR. JORDAN (OH)			
MR. LYNCH (MA)	X			MS. FOXX (NC)		X	
MR. COOPER (TN)	X			MR. HICE (GA)		X	
MR. CONNOLLY (VA)	X			MR. GROTHMAN (WI)		X	
MR. KRISHNAMOORTHY (IL)	X			MR. CLOUD (TX)		X	
MR. RASKIN (MD)	X			MR. GIBBS (OH)		X	
MR. KHANNA (CA)	X			MR. HIGGINS (LA)		X	
MR. MFUME (MD)	X			MR. NORMAN (SC)		X	
MS. OCASIO-CORTEZ (NY)				MR. SESSIONS (TX)		X	
MS. TLAIB (MI)	X			MR. KELLER (PA)		X	
MS. PORTER (CA)				MR. BIGGS (AZ)		X	
MS. BUSH (MO)	X			MR. CLYDE (GA)		X	
MS. BROWN (OH)	X			MS. MACE (SC)		X	
MR. DAVIS (IL)	X			MR. FRANKLIN (FL)		X	
MS. WASSERMAN SCHULTZ (FL)	X			MR. LATURNER (KS)		X	
MR. WELCH (VT)	X			MR. FALLON (TX)		X	
MR. JOHNSON (GA)	X			MS. HERRELL (NM)		X	
MR. SARBANES (MD)	X			MR. DONALDS (FL)			
MS. SPEIER (CA)	X			MR. FLOOD (NE)		X	
MS. KELLY (IL)	X						
MS. LAWRENCE (MI)	X						
MR. DESAULNIER (CA)	X						
MR. GOMEZ (CA)	X						
MS. PRESSLEY (MA)	X						

Roll Call Totals: Ayes: 23 Nays: 18 Present:

Passed: Failed: _____

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Chairwoman Maloney offered an amendment in the nature of a substitute that did not make substantive changes to the legislation.

LIST OF RELATED COMMITTEE HEARINGS

The Committee did not hold any hearings on this resolution.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals or objectives of this resolution are to seek documents from the Executive Office of the President concerning the iCOP program of USPIS.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this resolution to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to employment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this resolution establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This resolution does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, U.S.C.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that this legislation does not direct the establishment of advisory committees within the definition of Section 5(b) of the appendix to title 5, U.S.C.

UNFUNDED MANDATES STATEMENT

The Committee finds that H. Res 1479 does not contain any unfunded mandates.

EARMARK IDENTIFICATION

This resolution does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE ESTIMATE

The Committee finds that H. Res. 1479 would not affect direct spending.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, the Congressional Budget Office will not produce a cost estimate as the resolution does not have the force of law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The resolution makes no change to existing law.

MINORITY VIEWS

Committee Republicans support House Resolution 1479. House Republicans are seeking more information on whether the United States Postal Inspection Service's (USPIS) Internet Covert Operations Program (iCOP) inappropriately and specifically targeted Americans for advocating 2nd Amendment, pro-life, or other conservative viewpoints, and if such activity was coordinated with the President or other federal agencies.

I. CONDUCTING OVERSIGHT OVER THE U.S. POSTAL INSPECTION SERVICE SOCIAL MEDIA MONITORING ACTIVITIES IS A PRIORITY OF THE HOUSE OVERSIGHT COMMITTEE

In April 2021, Americans—and Members of Congress—were alarmed by news reports claiming the Postal Service was monitoring their social media activity.¹ In a bipartisan briefing to Committee staff in April 2021, the U.S. Postal Inspection Service (USPIS) explained that they did monitor social media as part of their Internet Covert Operations Program (iCOP). The purpose was to identify potential areas of social unrest or violence—such as the Black Lives Matter riots in the spring and summer of 2021—in order to protect postal workers and property. USPIS also used the program to identify threats against the life of Postmaster General DeJoy resulting from the inflamed and baseless rhetoric of Democrats who accused him of trying to steal the 2020 election by upending postal operations.

Concerns about iCOP have arisen again due to recent reports the program was used to specifically target conservative groups and events, such as 2nd Amendment rallies and pro-life marches.² USPIS is only authorized to conduct activities directly related to the mail or postal employees and property. An inspector general report requested by Ranking Member Comer and Chairwoman Maloney in 2021 found that the iCOP program exceeded that authority in some cases.³

While Committee Republicans appreciate the need to protect postal workers and property, it is also important to both maintain public confidence in the Postal Service and protect the civil liberties of all Americans. The U.S. House must determine whether particular groups were targeted over others. The documents cov-

¹Natalie O'Neill, USPS admits to spying on Americans' social media posts, *NEW YORK POST* (Apr. 28, 2021). *See also*, Jana Winter, The Postal Service is running a 'covert operations program' that monitors Americans' social media posts. *YAHOO NEWS* (Apr. 21, 2021).

²Ryan Lovelace, Postal Service surveilled protesters with pro-gun, anti-Biden agendas, *WASHINGTON TIMES* (Sep. 22, 2022).

³Letter from Hon. Carolyn Maloney, Chairwoman, and Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, to Hon. Tammy Whitcomb, Inspector General, U.S. Postal Service (May 25, 2021). *See also*, Audit Report, U.S. Postal Inspection Service's Online Analytical Support Activities, March 25, 2022 (Report Number 21-191-R22).

ered by this resolution of inquiry will help determine if this was the case or not.

II. CONCLUSION

Committee Republicans support H. Res. 1479 which would help the U.S. House of Representative conduct necessary oversight over the United States Postal Inspection Service's (USPIS) Internet Covert Operations Program (iCOP). It is important to know whether the USPIS is, in fact, specifically targeting conservative groups, and the documents covered by this resolution of inquiry will help determine whether or not this is the case.

JAMES COMER,
*Ranking Member, Committee
on Oversight and Reform.*

○