



BOARD OF GOVERNORS

July 2, 2020

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510-3203

Dear Senator Schumer:

This letter is in response to the concerns you expressed in the June 14 letter to U.S. Postal Service Board of Governors Chairman Robert M. (Mike) Duncan, regarding the selection of Louis DeJoy as Postmaster General.

The Board of Governors' selection of Postmaster General DeJoy was made following an extensive nationwide search and rigorous interview process. As Chairman Duncan stated when announcing the selection, Postmaster General DeJoy "understands the critical public service role of the United States Postal Service, and the urgent need to strengthen it for future generations." Chairman Duncan further stated that "the Board appreciated Louis' depth of knowledge on the important issues facing the Postal Service and his desire to work with all of our stakeholders on preserving and protecting this essential institution."

During the open session meeting of the Board of Governors on May 8, 2020, Governor John M. Barger, Chairman of the Board's Compensation and Governance Committee, described the rigorous selection process, which began in October 2019 when Postmaster General Megan J. Brennan announced her retirement. The Board worked with a consultant and a well-regarded executive search firm throughout the process. They developed a detailed specification for the Postmaster General role with input from diverse stakeholders, including all Governors, senior management, postal employees in the "trenches," and outside experts. After an initial round of evaluations of more than two hundred candidates, 53 executives were actively vetted and presented to the Compensation and Governance Committee. Fourteen candidates were invited to formally interview. Seven candidates were called back for second-round interviews, and four finalists were selected and underwent extensive background checks and reference evaluations. Governor Barger emphasized that the Board was **unanimous** in selecting Postmaster General DeJoy as the final candidate and that the selection was intended to show the Board's commitment to transform, build, and strengthen the Postal Service, consistent with the mission statement adopted by the Board of Governors on April 1, 2020.

When his selection was announced, Postmaster General DeJoy referred back to his experience working with the Postal Service, noting that he has "a great appreciation for this institution and the dedicated workers who faithfully execute its mission" and that he looks "forward to working with the supporters of the Postal Service in Congress and the Administration to ensure the Postal Service remains an integral part of the United States government."

In an introductory message to the employees of the Postal Service, Postmaster General DeJoy emphasized his commitment to the Postal Service and the critical role the Postal Service plays in our national economy, describing the Postal Service as a critical public service, and the "face" of the federal government to millions of Americans who count on the Postal Service to deliver information, census forms, and mail-in ballots.

Postmaster General DeJoy identified his first priority as creating a viable operating model that ensures the Postal Service continues fulfilling its public service mission while remaining self-sustaining. The introductory message also included a special thank you to postal workers on the front line and stated that Postmaster General DeJoy is honored to work with Postal Service employees and the representatives of their unions and management associations.

Additionally, as required for all Postal Service employees, Postmaster General DeJoy is aware of and committed to compliance with the Hatch Act and all other federal ethics requirements.

With respect to the specific information you requested, much of it is confidential. It is the Postal Service's long-standing practice to provide confidential information to Members of Congress only when the disclosure fits squarely within the provision of the Freedom of Information Act (FOIA) concerning the disclosure of information to "Congress." 5 U.S.C. § 552(d).

The Department of Justice has interpreted this provision of FOIA as applying to official requests from "Congress" as an institution (including official requests from its committees and subcommittees), but not to requests from individual Members, including ranking minority members. See *Department of Justice Guide to the Freedom of Information Act, Procedural Requirements* at 19 (2019) (noting that "individual members of Congress possess the same rights of access as those guaranteed to 'any person'" (citing FOIA Update, "Congressional access under FOIA," Vol. V, No. 1, at 3-4 (1984))). The Office of Legal Counsel (OLC) identified the difference between requests for information from "Congress" as an institution (including committees), and requests from individual Members. See *Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch*, 41 Op. Off. Legal Counsel __, __ (slip op. at 2-3) (May 1, 2017). This interpretation is also recognized in the *Congressional Oversight Manual* published by the Congressional Research Service (CRS). See *Congressional Oversight Manual*, CRS Report No. RL3024D, at 51-52 (2014).

Consistent with this practice, enclosed are the materials you requested that the Postal Service does not consider confidential. To the extent that records exist in response to your other requests, the Postal Service must respectfully decline to disclose them, as they are confidential.

Sincerely,



Michael J. Elston
Secretary of the Board of Governors

Enclosures