



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

July 28, 2020

RE: Treasury FOIA Case 2020-05-099

Austin R. Evers, Executive Director
American Oversight
1030 15th Street, NW, Suite B255
Washington, DC 20005

Email: foia@americanoversight.org

SENT Via Email

Dear Mr. Evers:

This is the Department of the Treasury's (Treasury) final response to your Freedom of Information Act (FOIA) request submitted on May, 12, 2020. You requested:

1. "Any legal analysis or records reflecting legal analysis regarding Treasury Department's ability to impose terms on emergency loans to the U.S. Postal Service.
2. Any terms and conditions proposed by or agreed upon by either the Treasury Department or Postal Service for the exercise of the borrowing authority under the CARES Act.
3. All signed borrowing agreements (Note Purchase Agreements) as well as "term sheets" regarding these agreements between the Postal Service and Treasury Department.

You requested all responsive records from March 1, 2020, through the date the search is conducted. Your identification number for this request is TREAS-20-1220.

Your request has been processed under the provisions of the FOIA, 5 U.S.C. § 552. Treasury Departmental Offices conducted a search and located one record, totaling five pages. After reviewing the information, five pages are fully withheld pursuant to Exemption 5. There are no fees assessed since allowable charges fell below \$25.

FOIA Exemption 5 exempts from disclosure "inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency." This includes communications forming part of the deliberative process, attorney-client privilege, or attorney work product.

Since Treasury's full denial constitutes an adverse action, you have the right to appeal this determination within 90 days from the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for your appeal. Please also cite the FOIA reference number noted above. Your appeal should be addressed to:

Ryan Law, Deputy Assistant Secretary for Privacy, Transparency and Records
FOIA Appeal
FOIA and Transparency
Privacy, Transparency, and Records
Department of the Treasury
1500 Pennsylvania Ave., N.W.
Washington, D.C. 20220

If you submit your appeal by mail, clearly mark the letter and the envelope with the words “Freedom of Information Act Appeal.” Your appeal must be postmarked or electronically transmitted within **90 days** from the date of this letter.

If you would like to discuss this response you may contact the FOIA Public Liaison, for assistance via email at FOIAPL@treasury.gov, or via phone at (202) 622-8098.

A FOIA Public Liaison is a supervisory official to whom FOIA requesters can raise questions or concerns about the agency’s FOIA process. FOIA Public Liaisons can explain agency records, suggest agency offices that may have responsive records, provide an estimated date of completion, and discuss how to reformulate and/or reduce the scope of requests in order to minimize fees and expedite processing time.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may contact the agency directly at the following address, email, fax, or telephone numbers:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road – OGIS
College Park, MD 20740-6001
Email: ogis@nara.gov
Telephone: 202-741-5770
Toll free: 1-877-684-6448
Fax: 202-741-5769

Please note that contacting any agency official (including the FOIA analyst, FOIA Requester Service Center, FOIA Public Liaison) and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90-day appeal clock.

If you submit your appeal by mail, clearly mark the letter and the envelope with the words “Freedom of Information Act Appeal.” Your appeal must be postmarked or electronically transmitted within **90 days** from the date of this letter.

If any questions arise, please contact Samuel Giovannucci at 202-622-1391, or email at FOIA@treasury.gov. Please refer to FOIA request 2020-05-099 with any inquiries.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jacqueline J. Scott', with a stylized flourish at the end.

Jacqueline J. Scott
FOIA Analyst, FOIA and Transparency
Privacy, Transparency, and Records

Enclosure:
FOIA Request