

Prepared Statement of
Jeffrey A. Rosen
To be a Governor, United States Postal Service Board of Governors
BEFORE THE SENATE HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS COMMITTEE

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Chairman Johnson, Ranking Member Carper, and members of the Homeland Security and Governmental Affairs Committee, thank you for the honor of appearing today and for the privilege of having my nomination considered for appointment to the United States Postal Service's Board of Governors.

As you may know from my submitted materials, I have had the good fortune during my career to have had experiences with several different types of organizations: more than twenty-eight years with my law firm, Kirkland & Ellis LLP; board or committee roles with some associations and non-profits, including my current role as chair of the American Bar Association's Section of Administrative Law & Regulatory Practice; multiple responsibilities as a senior official with the U.S. Department of Transportation (DOT); and broad experience as a senior official with the White House Office of Management and Budget (OMB). While I hope that all of these experiences would prove useful to the Board of Governors, I would like to elaborate just a bit on the DOT and OMB organizations in particular.

With regard to DOT, I served there from October 2003 to June 2006, initially as a senior advisor, and then, after I was confirmed by the U.S. Senate in December 2003, as general counsel of the department. DOT was and is a large cabinet agency, with a budget of more than \$60 billion, and more than 50,000 employees. I was fortunate to work for Secretary Norman Mineta, who is deservedly acclaimed for his lifetime of public service, and as a man of extraordinary integrity, insight, and accomplishment, including service as a Cabinet Officer for two Presidents of different political parties.

With regard to OMB, I served there from July 2006 to January 2009, as general counsel and senior policy advisor. OMB at that time oversaw a federal budget of not quite \$3 trillion dollars annually, and a federal government with more than four million employees (including more than 2.5 million in the executive branch alone). I was fortunate to work initially for OMB Director Rob Portman, who is now a Senator and a member of this Committee, and who likewise represents the highest virtues that one would hope for anyone in public service. (I later worked for OMB Director Jim Nussle as well, who also fits the model of a true public servant.)

I want to highlight these DOT and OMB experiences for two reasons in particular. One is that the activities of those agencies seem to have relevance to the challenges facing the U.S. Postal Service, which is largely a transportation logistics and delivery business, and one facing important budget and public policy issues. The second reason is that Congress, in 39 U.S.C. §202(a), required that the Board of Governors "shall represent the public interest generally". It occurred to me that working

with such extraordinary leaders at DOT and OMB has provided tremendous role models for anyone being considered for a position that demands commitment to the “public interest generally”.

Having said this, there is no escaping that the U.S. Postal Service is confronting very substantial challenges, both near-term and longer-term. Many of these were well set out in this Committee’s January 21, 2016 hearing “Laying Out the Reality of the United States Postal Service”. I have begun the process of studying and analyzing these issues more closely, and will look forward to doing so in greater detail if I am approved by the Committee and confirmed by the Senate. Part of what I would hope to contribute in this position is relevant knowledge from analogous topics in transportation and elsewhere, but with a perspective unbiased by personal participation in particular debates about the Postal Service itself that may have occurred in the past.

In addition, if confirmed, I would also hope to help the Board serve as a complement to Congress’ own oversight role, by insisting on USPS management’s accountability, transparency, willingness to innovate, and a sense of urgency, as well as adherence to legislated directives and responsiveness to Congressional needs.

At the same time, I would like to observe that complex challenges have been a part of the Postal Service’s history almost from its creation, but its essential services have survived. One need only read Professor Richard John’s history to see examples of this. (“Spreading the News--The American Postal System from Franklin to Morse”[1995].) While some of today’s difficulties are unique to this internet era, the experience of the past tells us that today’s problems need not be insoluble.

My understanding is that at present the Board of Governors has only one member, out of the nine positions established by Congress in the law. I would welcome the opportunity to be part of the solution to that problem to enable the Board to address the challenges confronting the Postal Service. If I am approved by the Committee and confirmed by the Senate, I will do everything I can to fulfill the responsibility that would be entrusted to me by Congress and the President. I have a strong appreciation of the role of public service, and would look forward to trying to help address the issues facing an organization of such importance to our national economy and to our fellow Americans.

In closing, I want to thank you for considering my nomination, and I will look forward to answering your questions.