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United States Senate
COMMITTEE ON BANKING, HOUSING, AND
URBAN AFFAIRS
WASHINGTON, DC 20510-6075

LAURA SWANSON, STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

June 30, 2021

Eric Rosengren
President and Chief Executive Officer
Federal Reserve Bank of Boston
600 Atlantic Avenue
Boston, MA 02210

Dear President Rosengren:

I am deeply concerned with the Federal Reserve Bank of Boston's (Boston Fed) lack of transparency and disregard for a legitimate congressional oversight request. As you know, I sent you a letter on May 23, 2021, seeking both a briefing and certain records pertaining to the Boston Fed's recent, intense interest in racial justice activism.¹ Your staff provided a briefing on June 8, 2021. However, to date the Boston Fed has not provided any of the requested records, which were due on June 7, 2021. Moreover, your staff have made sufficiently clear that the Boston Fed does not intend to provide any records in response to my request. Instead, I was offered a meeting with you—an offer that did not include providing any records.

The Boston Fed's refusal to provide any records is an unacceptable stonewalling of Congress's need to fully evaluate the recent and sudden departure of the Boston Fed from its important, nonpartisan, and statutorily defined mission to "promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates."² This is particularly troubling given the various ways in which the Boston Fed lacks both transparency and accountability in carrying out its statutory mandate. For example, the Boston Fed's budget is not subject to congressional appropriations or authorization, its leaders are neither democratically elected nor Senate confirmed, and it is not subject to public transparency laws, such as the Freedom of Information Act (FOIA) and the Federal Advisory Committee Act, and public recordkeeping laws like the Federal Records Act. Moreover, as the Boston Fed's response to my letter demonstrates, the Boston Fed appears to view itself as wholly exempt from any oversight by the people's elected representatives.

In addition, the Boston Fed's refusal to provide records requested by Congress conflicts with the spirit of the Boston Fed's own stated policy.³ Although the Boston Fed is not subject to FOIA, its

¹ Letter from Sen. Pat Toomey, Ranking Member, Committee on Banking, Housing, and Urban Affairs, to Eric Rosengren, President and Chief Executive Officer, Federal Reserve Bank of Boston (May 23, 2021), available at https://www.banking.senate.gov/imo/media/doc/toomey_to_boston_fed.pdf.

² 12 U.S.C. § 225a.

³ Federal Reserve Bank of Boston, *Federal Reserve Bank of Boston Policy Regarding Availability of Information* (last accessed Jun. 29, 2021), <https://www.bostonfed.org/contact-us/foia-requests.aspx>.

“Availability of Information Policy” (Information Policy) states that the Boston Fed “has [voluntarily] elected to comply with the spirit of FOIA” and “will make records available to the public pursuant to this policy unless it reasonably foresees that disclosure would harm an interest protected by an exemption or disclosure is prohibited by law.”⁴ The Boston Fed’s stonewalling of a records request from Congress directly contravenes the spirit of its own policy. It also draws into question the Boston Fed’s commitment to transparency when it is flatly refusing to provide even a page of records requested by the Ranking Member of the Senate committee charged with overseeing the Federal Reserve System.

Transparency and openness are essential in both promoting a greater understanding of the Boston Fed’s mission and actions and also in maintaining public trust. However, it appears that the Boston Fed prefers to cloak its activities in secrecy and withhold documents from both Congress and the American people. Unfortunately, it is hard not to infer that the Boston Fed has something to hide. If the Boston Fed continues to resist a legitimate congressional oversight request, Congress may need to consider subjecting the Boston Fed and the other Federal Reserve regional banks to the same transparency and accountability laws imposed on nearly every other federal agency or organization.

I ask that you reconsider your refusal to provide records responsive to my request and promptly produce all of the requested records. Thank you for your attention to this matter.

Sincerely,



Pat Toomey
Ranking Member

cc: The Honorable Sherrod Brown, Chairman, Senate Committee on Banking, Housing, and Urban Affairs

⁴ *Id.*