



December 12, 2024

Freedom of Information Act Officer
Office of the United States Trade Representative
600 17th Street NW
Washington, DC 20508

Via Email to: FOIA@ustr.eop.gov

Dear Sir/Madam:

Under the Freedom of Information Act, I request that you furnish copies of documents and records, in any format, that refer or relate to efforts by the Office of the U.S. Trade Representative (“USTR”), including the USTR Investment Office and the office of the General Counsel, with regard to the investment text of either 1) the United States-Mexico and Canada (“USMCA”) trade agreement and/or 2) U.S.-Colombia agreement.

By way of example and without limitation, material relevant to this request would include communications focused on or related to investment provisions found in these two trade agreements between individuals or groups with USTR.

Please limit your production to include only those materials created in or after December 2023. Further, and for the sake of clarity, I note that I do not seek inter-agency or intra-agency memoranda that are generally protected under FOIA Exemption 5 and the deliberative process privilege. Rather, I seek pre-deliberative materials and/or communications between the USTR and outside correspondents. See, e.g., *Dep’t of the Interior v. Klamath Water Users Protective Ass’n.*, 532 U.S. 1 (2001).

Fees

I make this request in my capacity as a representative of the U.S. Chamber of Commerce, a non-profit organization representing the unified interests of U.S. business before Congress, government agencies, and the courts. Accordingly, I seek a waiver of all fees attendant to this request. Disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and is not primarily in my commercial interest.

More specifically, I am gathering information on OPA’s close relationship with the news media regarding policy matters considered by the agency that touch on a wide array of topics that are of current interest to the public, including national security, privacy, competition in and among the technology sector, and consumer protection issues.

As it has [done in the past](#), the U.S. Chamber intends to publish relevant material on its publicly available website. That material has historically served as the basis for reporting from the news media about the execution of the FTC's policy and enforcement initiatives. Please note the Office of Management and Budget guidelines published March 27, 1987 (52 FR 10012) that include electronic publications and other nontraditional publishers as representatives of the news media. Please also consider that the U.S. Court of Appeals for the District of Columbia has determined that even a nonprofit clearinghouse of information can qualify as a representative of the news media, See *National Security Archive v. U.S. Department of Defense*, 279 U.S. App. D.C. 308 (D.C. 1989).

I believe I meet the criteria for a fee waiver recognized by the U.S. Justice Department – in its policy guidance of April 1987 – and by the federal courts, See *Project on Military Procurement v. Department of the Navy*, 710 F. Supp. 362 363, 365 (D.D.C. 1989).

In your deliberations, please take note of the following cases: *Campbell v. U.S. Department of Justice*, 334 U.S. App. D.C. (1998) (administrative and seemingly repetitious information is not exempt from fee-waiver consideration); *Project on Military Procurement* (agencies cannot reject a fee waiver based on the assumption that the information sought is covered by a FOIA exemption; and *Landmark Legal Foundation v. Internal Revenue Service*, 1998 U.S. Dist. LEXIS 21722 (D.D.C. 1998) (the fact that the information will soon be turned over to a public body does not exempt the material from fee-waiver consideration).

In any event, please note that 5 U.S.C. Section 552(a)(4)(A)(iv)(II) requires that you provide the first 100 copies to me at no charge.

I look forward to your response within 20 working days, as required by the FOIA.

To discuss this request, please contact me at agum@uschamber.com or call me at (202) 836-3869. Thank you for your consideration of my request.

Sincerely,



W. Ashley Gum
Vice President
U.S. Chamber of Commerce