



U.S. Chamber of Commerce

1615 H Street, NW
Washington, DC 20062-2000
uschamber.com

February 4, 2022

Via Email: foia@ftc.gov

Freedom of Information Act Request
Office of General Counsel
Federal Trade Commission
Washington, DC 20580

Re: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 16 C.F.R. § 4.11, the U.S. Chamber of Commerce (“Chamber”) hereby requests the following information:

All records related to the status of, and the authorization and approval for, FTC Chair Lina Khan’s previous employment as a “Legal Fellow” by or at the FTC, before her tenure as Chair; and all records regarding the creation, authorization, and funding of a “legal fellow” program within Commissioner offices at the FTC. This request includes, but is not limited to, all records related to Chair Khan’s appointment as a “Legal Fellow” at the FTC and the specific statutory and regulatory basis for that appointment; and all records related to Chair Khan’s affiliation or employment with or income from any non-governmental group, entity, or institution during her time as a “Legal Fellow.” The timeframe for the Chamber’s request is January 1, 2017 to the present. The term “records” as used in this request includes emails, handwritten or typed notes, phone calls, meeting minutes, meeting agendas, calendar entries, electronic chats, instant messages, encrypted or self-destructing messages, messages sent via Facebook messenger, text messages, voice messages, and any other electronic or hard copy records stored on official or personal devices or in official or personal accounts.

I further request that the FOIA officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted.

To facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records

can be produced more readily, I request that those records be produced first, and the remaining records be produced on a rolling basis as circumstances permit.

The Chamber requests a fee waiver because disclosure of this information is in the public interest as it is likely to contribute significantly to public understanding of the operations or activities of the government. The Chamber is a non-profit organization organized under Section 501(c)(6) of the Internal Revenue Code. Disclosure of this information is not primarily in the Chamber's commercial interest because it seeks to use this information to educate itself and the public about the FTC's ongoing activities. *See* 16 C.F.R. § 4.8(e)(2). The FTC's activities affect a broad swath of the United States economy and business entities across the country—many of whom are members of the Chamber. The disclosure of these documents will allow the Chamber, its members, and the public to better understand the FTC's recent and future activities and the potential impact of these actions. If this request for a fee waiver is denied, the Chamber is willing to pay fees up to \$2,500.

Federal law requires that the FTC produce these records within twenty (20) business days or, in unusual circumstances, within thirty (30) business days. *See* 5 U.S.C. § 552(a)(6)(A)-(B); *see also* 16 C.F.R. § 4.11(a)(1)(ii). If the Chamber's request is denied in whole or in part, please justify all denials by reference to specific exemptions under the FOIA.

If you have any questions about this request, please contact me by email. Thank you for your prompt attention to this matter.

Sincerely,



Sean Heather
Senior Vice President
International Regulatory Affairs & Antitrust
U.S. Chamber of Commerce
(202) 463-5368
SHeather@USChamber.com



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

March 9, 2022

Sent Via Email

Sean Heather
U.S. Chamber of Commerce
1615 H Street NW
Washington, DC 20062
SHeather@USChamber.com

RE: FOIA-2022-00589

Dear Sean Heather:

On February 4, 2022 we received your request dated February 4, 2022 under the Freedom of Information Act ("FOIA") seeking access to all records related to the FTC legal fellow program. This letter is to inform you that we will be unable to respond to your request within the statutory 20-business day deadline as codified in 5 U.S.C. § 552(a)(6)(A)(i).

The FOIA, as amended in 2002, allows for an extension of the 20-day deadline if one of three types of "unusual circumstances" exist. *See* 5 U.S.C. § 552(a)(6)(B)(iii). Your request requires the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

We are continuing to process your request at this time. If you should have any questions regarding your request, or if you would like to narrow your request to reduce the necessary response time, please contact Mark Brier at 202-326-3699.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at rgold@ftc.gov; or from the Office of Government Information Services via email at ogis@nara.gov, via fax at 202-741-5769, or via mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740. Please note that the FOIA Public Liaison's role relates to comments, questions or concerns that a FOIA Requester may have with or about the FOIA Response. The FOIA Public Liaison's role does not relate to taking action in matters of private controversy nor can he resolve individual complaints.

Sincerely,

Handwritten signature of Dione J. Stearns, with the initials "M.B." written to the right.

Dione J. Stearns
Assistant General Counsel

From: Brier, Mark <mbrier@ftc.gov>
Sent: Friday, March 11, 2022 9:16 AM
To: Heather, Sean <SHeather@USChamber.com>
Cc: Lettow, Paul <PLettow@USChamber.com>
Subject: RE: 2022-00589 Extension Notice

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sean,

I mistakenly cited the amount of records as the unusual circumstance for extending the request, when actually I am still searching for and gathering any possible responsive records from the different FTC offices. I apologize for this confusion. Like you, I do not see the volume of records becoming a reason to delay the request any further. If you would still like to discuss the request on Monday, I am available all day.

Thanks and have a good weekend.

Mark Brier

Attorney

Federal Trade Commission

[600 Pennsylvania Avenue, NW](#)

[Washington, DC 20580](#)

(202) 326-3699

mbrier@ftc.gov

From: Heather, Sean <SHeather@USChamber.com>
Sent: Friday, March 11, 2022 8:13 AM
To: Brier, Mark <mbrier@ftc.gov>
Cc: Lettow, Paul <PLettow@USChamber.com>
Subject: RE: 2022-00589 Extension Notice

Thank you Mark for the letter providing an update.

As the letter notes we would like to see if you are available to connect to further discuss. The letter suggests that there is voluminous amount of records related to this request. This comes as a surprise as we believe the request as originally drafted is more narrow than how it is perhaps being interpreted.

Would you be available to connect, perhaps on Monday?

Sean

Sean Heather

Senior Vice President

International Regulatory Affairs & Antitrust

Center for Global Regulatory Cooperation (GRC)

Global Initiative on Health and the Economy (GIHE)

U.S. Chamber of Commerce

202-463-5368



U.S. Chamber of Commerce

From: Brier, Mark <mbrier@ftc.gov>
Sent: Wednesday, March 9, 2022 10:23 AM
To: Heather, Sean <SHeather@USChamber.com>
Subject: 2022-00589 Extension Notice

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sean Heather,

Please see the attached letter regarding your FOIA request.

Sincerely,

Mark Brier

Attorney

Federal Trade Commission

[600 Pennsylvania Avenue, NW](#)

[Washington, DC 20580](#)

[\(202\) 326-3699](#)

mbrier@ftc.gov