



December 2, 2021

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; Expedited Treatment Requested

To Whom it May Concern:

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 (“the Chamber”) hereby requests the following information:

Full and complete copies of (a) the “Office of the Secretary Procedures Manual” dated April 7, 1994, and any newer version, including updates, revisions, or successor or superseding documents; and (b) the document containing the “Policy with Respect to Counting Votes of Departing and Arriving Commissioners” dated March 27, 1984, and any newer version, including updates or revisions, or successor or superseding documents, *available at* <https://www.ftc.gov/about-ftc/foia/frequently-requested-records/commission-voting-policy>.

We 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.

In an effort 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.

The Chamber also requests expedited treatment of this request because the Chamber's mission involves disseminating information—to both its membership and the public—regarding economic issues in the United States, especially as they relate to the Federal Government. The FTC's actions impact the Chamber's members and other members of the public. *See* 16 C.F.R. § 4.11(a)(1)(G). The Chamber must be able to provide information regarding the FTC's activities to its members given their significant impact—so its members may comply with new regulations and policies, so they may protect their rights, and so they may order their own affairs. The impact of these actions is far-reaching, requiring the urgent release of documents and information related thereto in order to understand the FTC's activities and their potential impact on the Chamber's members.

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,

A handwritten signature in black ink that reads "Sean Heather". The signature is written in a cursive, flowing style.

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



U.S. Chamber of Commerce

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To Whom it May Concern:

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 (“the Chamber”) hereby requests the following information:

All records related to votes cast by Former Commissioner Rohit Chopra between September 30, 2021 and October 8, 2021. This includes, but is not limited to, the specific votes he purported to take that have yet to be made public or might never be made public as of the date of this request; records related to any matter that was not publicly announced by the FTC prior to December 2, 2021; matters that were not yet voted on by all other Commissioners before October 8, 2021 but were voted on by Former Commissioner Chopra; legal analysis performed or received by the FTC; communications between the FTC and the White House; as well as press statements or drafts of press statements. The timeframe for the Chamber’s request is July 1, 2021 to the present. For purposes of this FOIA request, we seek as a priority and initial matter documents reflecting the subject matter and dates of votes that Former Commissioner Chopra purported to take between September 30, 2021 and October 8, 2021 on any or all matters that had not been voted on by all other Commissioners before October 8, 2021, with additional records subject to this request provided on a rolling basis thereafter. 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 other hard copy documents stored on official or personal devices.

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All records related to counting votes of Former Commissioners for a period of time after their departure from the Commission. This request includes, but is not limited to, any legal analysis performed or received by the FTC; any and all internal guidance or rules governing voting procedures; how long the agency counts votes following a Commissioner’s departure and what actions can extend or reopen a motion to vote; the history of this practice; any communications between the FTC and the White House; and any press statements or drafts of press statements. The timeframe for this request is November 23, 2020 (the start of the presidential transition period) 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 other hard copy documents stored on official or personal devices.

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