



October 9, 2013

Clarice Julka
MS-7328, MIB
1849 C Street, NW
Washington, DC 20240
Fax: (202) 219-2374
Email: os_foia@ios.doi.gov

Re: Freedom of Information Act Request; Expedited Processing Requested

Dear Ms. Julka (or whoever else may be in charge of handling FOIA requests):

Pursuant to the Freedom of Information Act (5 U.S.C. § 552, *et seq.*), and the regulations thereunder, I am writing on behalf of the Competitive Enterprise Institute (CEI), a non-profit 501(c)(3) public-interest group, to request access to and copies of the following documents:

1. Any and all records or communications concerning, or discussing, whether to close George Washington Memorial Parkway during any federal government shutdown, including the October 2013 federal government shutdown.
2. Any and all records or communications concerning, or discussing, whether to close or block public access to open-air memorials during any federal government shutdown.
3. Any and all records or communications concerning, or discussing, whether to close or block public access to scenic overlooks on the George Washington Memorial Parkway, or scenic overlooks of Mount Rushmore.
4. Any assessment or discussion since May 1, 2013 of prior agency policy regarding whether to close George Washington Memorial Parkway, open-air memorials, or the scenic overlooks discussed above, during the federal government shutdowns under the Clinton Administration.

Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

We request that your office waive charges pursuant to 5 U.S.C. § 552(a)(4)(iii) & 43 C.F.R. 2.39, since, as is explained below, disclosure 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 the commercial interest of the requestor.

Even if you do not waive the charges pursuant to those provisions, we request in the alternative that your office waive charges for the first 100 pages and first two hours of search time.

We request this on the basis that CEI is a nonprofit, tax-exempt, public-interest organization, with formal research, educational, and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of government operations, the shaping of public policy, and how taxpayer money is spent. This FOIA request is not for commercial use.¹

If our fee waiver is denied, we are willing to pay up to \$100.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request, we request the search and document production proceed in the interim. (If there are any such charges, please provide an invoice for the time incurred and cost for each document for which more than \$15.00 is sought).

CEI's interest in the documents springs from its efforts to educate the public, scholars, and state and federal regulators on matters of government operations,² including federal land-use issues and access to federal lands.³

¹ Nor would it primarily further or advance any commercial interest. Also, CEI is not a trade association.

² CEI is widely quoted in the press and other publications. See, e.g., George Will, *Obama's Speech Police*, Washington Post, May 26, 2013, at A17 (quoting CEI's Hans Bader about federal mandates); Cathy Young, *Yet Another Governmental Overreach*, Newsday, May 28, 2013 (quoting CEI's Bader); Ramesh Ponnuru, *Colleges: New Sexual Harassment Rules Defy Reason*, St. Paul Pioneer-Press, July 24, 2013, at A14 (quoting CEI's Bader); *Yet Another Federal Attack on Civil Liberties*, Cincinnati Enquirer, May 26, 2013, at F5 (quoting CEI's Bader); JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, Mar. 29, 2011 (quoting CEI's Bader); Al Neuharth, *Why Bail Out Bosses Who Messed It Up*, USA Today, Nov. 21, 2008, at 23A (quoting CEI); Bill Shea, *Agency Looks Beyond Criticism of Ads of GM Boasting About Repaid Loan*, Crain's Detroit Business, May 17, 2010, at 3 (citing CEI); William Hoar, *Bailing Out Scam Artists*, New American, October 13, 2008, at pg. 42 (quoting CEI's Bader); Mark Tapscott, *GM Named in Deceptive Advertising Complaint Filed With FTC*, Washington Examiner, May 4, 2010 (same); Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (same); Carter Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same).

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The general and policy-oriented public will benefit from the dissemination of the information requested, since CEI's professionals are widely-published about these subjects.⁴

CEI publishes about these and other issues in print and electronic media, as well as newsletters to legislators, education professionals, and other interested parties,⁵ and thus qualifies as a press entity for purposes of FOIA.⁶ Those activities are in fulfillment of CEI's mission. The information received will be disseminated through one or more of the following: a) newsletters, (b) opinion pieces in newspapers or magazines, (c) CEI's web sites and blogs which receive

shutdown, and quoting a Heritage Foundation lawyer arguing the closures should be challenged in court) (<http://dailycaller.com/2013/10/03/lawyers-private-parks-should-sue-obama-admin-for-forcing-them-to-close/>); Editorial, *Property Rights: Eminent Domain Law Gives Developers Unfair Advantage*, Syracuse Post Standard, April 7, 2010, at A14 (quoting CEI about land-use issues; "'Local officials lack the knowledge and expertise to effectively promote private development,' says Marc Scribner of the Competitive Enterprise Institute.") (available in Westlaw); Erin Kelly, *Big changes on the way for Western states land-use rules*, Las Vegas Sun, Nov. 13, 2009, at 3 (citing R.J. Smith of Competitive Enterprise Institute about land-use controls and property rights); *Policies Favoring Environment Over Industries*, Arizona Republic, Nov. 5, 2009 (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (citing CEI).

⁴ For example, the author of this letter routinely writes about government operations and positions taken by government agencies. See, e.g., *Obamacare Quadruples Costs for Some*, CNS News, Oct. 1, 2013, (<http://cnsnews.com/commentary/hans-bader/obamacare-quadruples-costs-some-rewards-others-who-quit-working>); *Getting the History of the Voting Rights Act Right*, Washington Post, May 1, 2013, (http://www.washingtonpost.com/opinions/getting-the-history-of-the-voting-rights-act-right/2013/05/01/1d18328c-b04f-11e2-9fb1-62de9581c946_story.html); *When the First Amendment Is Repealed by Bureaucrats*, Wall Street Journal, May 24, 2013, at A12 (<http://online.wsj.com/article/SB10001424127887324787004578497454237999618.html>); *Race Has No Place in Gun-Law Debate*, Philadelphia Daily News, April 8, 2013 (http://articles.philly.com/2013-04-09/news/38376549_1_nutter-gun-mental-health); *Frum Wrong About Budget Cuts*, National Post, Feb. 12, 2013; *Free Speech Isn't Harassment*, Washington Times, May 23, 2013 (www.washingtontimes.com/news/2013/may/23/free-speech-isnt-harassment/); *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, Oct. 5, 2013; *EEOC Demands Imperil the Public*, Washington Times, Jan. 12, 2012, at B2; Letter, *Mr. Franken's Arbitration Amendment*, Washington Post, Oct. 29, 2009, at A18; *Unlawful to Favor Women-Owned Businesses*, Washington Times, Aug. 5, 2011, at B2; *Day Cares Can't Mandate Diversity*, Washington Times, July 19, 2011, at B2; Letter, *Murphy Twists Facts in Title IX Column*, Patriot-Ledger, April 15, 2011, at 6; Letter, *The Case Against Racial Balancing Schemes*, Washington Post, Dec. 8, 2006, at A38; Letter, *Fair Means Fair; Evidence Must Count for Something*, Wall Street Journal, July 21, 2011, at A16; JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011.

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⁶ See the attachment to this letter, a letter from EPA granting CEI a waiver of fees under FOIA.

approximately 80,000 monthly visitors (approximately 40,000 unique) and are published on most days,⁷ (d) in-house publications for public dissemination, (e) other electronic journals including daily blogs and newspaper blogs to which our professionals contribute,⁸ (f) local and syndicated radio programs dedicated to discussing public policy, (g) to the extent that Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues. CEI is regularly cited in newspapers,⁹ law reviews,¹⁰ and legal and scholarly publications.¹¹

As provided by FOIA, I look forward to hearing from you within twenty (20) days.¹² If you deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption on which you are relying, and provide the name and address of the person or body to whom an appeal should be directed. Also, please provide all segregable or non-exempt portions of otherwise exempt material.

⁷ See, e.g., www.openmarket.org (one of several blogs operated by CEI providing daily coverage of legal and regulatory issues); www.globalwarming.org (another CEI blog).

⁸ See, e.g., <http://www.examiner.com/scotus-in-washington-dc/hans-bader> (listing of about 1000 commentaries posted several times a week by CEI's Hans Bader at Examiner.com).

⁹ See, e.g., Greg Victor, *Subsidizing Madness*, Pittsburgh Post-Gazette, March 27, 2011, at E4 (citing CEI's Hans Bader about federal mandates); Mona Charen, Creators Syndicate, *You Might Suppose That President Obama Has His Hands . . .*, Bismarck Tribune, June 10, 2009, at A8 (syndicated column cites CEI's OpenMarket blog); Hal Davis, *Earth's Temperature Is Rising and So Is Debate About It*, Dayton Daily News, Apr. 22, 2006, at A6 (citing CEI's GlobalWarming.Org); Washington Examiner, Aug. 14, 2008, pg. 24, *Think-Tanking* (reprinting CEI OpenMarket blog post); Mark Landsbaum, *Blogwatch: Biofuel Follies*, O.C. Register, Nov. 13, 2007 (citing OpenMarket) (available in Westlaw); Pittsburgh Tribune-Review, *Best of the Blogs*, Oct. 7, 2007 (citing CEI's OpenMarket) (available in Westlaw).

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¹¹ See, e.g., Bruce Yandle, *Bootleggers, Baptists, and the Global Warming Battle*, 26 Harvard Environmental Law Review 177, 221 & fn. 272 (citing CEI's GlobalWarming.Org); Deepa Badrinarayana, *The Emerging Constitutional Challenge of Climate Change: India in Perspective*, 19 Forham Environmental Law Review 1, 22 & fn. 119 (2009) (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (same); David Vanderzwaag, et al., *The Arctic Environmental Protection Strategy, Arctic Council, and Multilateral Environmental Initiatives*, 30 Denver Journal of International Law and Policy 131, 141 & fn. 79 (2002) (same); Bradley K. Krehely, *Government-Sponsored Enterprise: A Discussion of the Federal Subsidy of Fannie Mae and Freddie Mac*, 6 North Carolina Banking Institute 519, 527 (2002) (quoting CEI).

¹² See 5 U.S.C. § 552(a)(6)(A)(i).

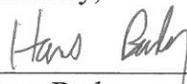
STATEMENT OF BASIS FOR EXPEDITED PROCESSING

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 43 C.F.R. 2.20, CEI also requests that the processing of this request be expedited in light of the compelling need for the requested information. CEI is a non-profit engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Information dissemination is the main professional activity of CEI, the main occupation of most of its staff, and one of the primary functions of the author of this letter.

As with other organizations that courts have found to satisfy the criteria necessary for expedition, CEI “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹³ Moreover, there is an urgent need for the record sought, since the value of the records will be greatly reduced if the information is not disseminated quickly, and there is public concern about the case that is the subject of this FOIA request, as is reflected in recent press coverage, such as recent editorials and news stories on the subject of shutdown-related closures and agency decisions to keep some facilities open while closing others.¹⁴

The undersigned declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on October 9, 2013.

Sincerely,



Hans Bader
Senior Attorney
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, D.C. 20036
(202) 331-2278
hbader@cei.org

¹³ See *ACLU v. U.S. Dept. of Justice*, 321 F.Supp.2d 24, 30 (D.D.C. 2004); *EPIC v. Dept. of Defense*, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

¹⁴ See, e.g., *Editorial: Obama Manipulated Vets, Seniors, Children in Shutdown*, Washington Examiner, Oct. 7, 2013, available at <http://washingtonexaminer.com/examiner-editorial-obama-manipulated-vets-seniors-children-in-shutdown/article/2536931>; Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013.

Attachment to Hans Bader letter dated ~~April 3, 2012~~ October 9, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Hans Bader
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, DC 20036

RE: Request Number HQ-FOI-01223-10

Dear Mr. Bader:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. Your FOIA request is seeking a copy of records referred to as the Kerry-Graham-Lieberman climate bill and any attachments or exhibits.

We have reviewed your submission and based on the information you provided, we are granting your fee waiver request. The US Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, within the Office of the Administrator, will be responding to your information request for the Agency.

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman".

Larry F. Gottesman
National FOIA Officer

6

Addressee	Start Time	Time	Prints	Result	Note
12022192374	10-09 15:18	00:01:44	006/006	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MTX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,
LOVR:Receiving length Over, POVR:Receiving page Over, FIL:File Error,
DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



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Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

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⁷ See, e.g., www.openmarket.org (one of several blogs operated by CEI providing daily coverage of legal and regulatory issues); www.globalwarming.org (another CEI blog).

⁸ See, e.g., <http://www.examiner.com/scotus-in-washington-dc/hans-bader> (listing of about 1000 commentaries posted several times a week by CEI's Hans Bader at Examiner.com).

⁹ See, e.g., Greg Victor, *Subsidizing Madness*, Pittsburgh Post-Gazette, March 27, 2011, at E4 (citing CEI's Hans Bader about federal mandates); Mona Charen, Creators Syndicate, *You Might Suppose That President Obama Has His Hands . . .*, Bismarck Tribune, June 10, 2009, at A8 (syndicated column cites CEI's OpenMarket blog); Hal Davis, *Earth's Temperature Is Rising and So Is Debate About It*, Dayton Daily News, Apr. 22, 2006, at A6 (citing CEI's GlobalWarming.Org); Washington Examiner, Aug. 14, 2008, pg. 24, *Think-Tanking* (reprinting CEI OpenMarket blog post); Mark Landsbaum, *Blogwatch: Biofuel Follies*, O.C. Register, Nov. 13, 2007 (citing OpenMarket) (available in Westlaw); Pittsburgh Tribune-Review, *Best of the Blogs*, Oct. 7, 2007 (citing CEI's OpenMarket) (available in Westlaw).

¹⁰ See, e.g., Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (citing Hans Bader of CEI); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same); Robert Hardaway, *The Great American Housing Bubble*, 35 University of Dayton Law Review 33, 34 (2009) (same).

¹¹ See, e.g., Bruce Yandle, *Bootleggers, Baptists, and the Global Warming Battle*, 26 Harvard Environmental Law Review 177, 221 & fn. 272 (citing CEI's GlobalWarming.Org); Deepa Badrinarayana, *The Emerging Constitutional Challenge of Climate Change: India in Perspective*, 19 Forham Environmental Law Review 1, 22 & fn. 119 (2009) (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (same); David Vanderzwaag, et al., *The Arctic Environmental Protection Strategy, Arctic Council, and Multilateral Environmental Initiatives*, 30 Denver Journal of International Law and Policy 131, 141 & fn. 79 (2002) (same); Bradley K. Krehely, *Government-Sponsored Enterprise: A Discussion of the Federal Subsidy of Fannie Mae and Freddie Mac*, 6 North Carolina Banking Institute 519, 527 (2002) (quoting CEI).

¹² See 5 U.S.C. § 552(a)(6)(A)(i).

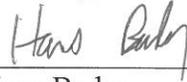
STATEMENT OF BASIS FOR EXPEDITED PROCESSING

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 43 C.F.R. 2.20, CEI also requests that the processing of this request be expedited in light of the compelling need for the requested information. CEI is a non-profit engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Information dissemination is the main professional activity of CEI, the main occupation of most of its staff, and one of the primary functions of the author of this letter.

As with other organizations that courts have found to satisfy the criteria necessary for expedition, CEI “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹³ Moreover, there is an urgent need for the record sought, since the value of the records will be greatly reduced if the information is not disseminated quickly, and there is public concern about the case that is the subject of this FOIA request, as is reflected in recent press coverage, such as recent editorials and news stories on the subject of shutdown-related closures and agency decisions to keep some facilities open while closing others.¹⁴

The undersigned declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on October 9, 2013.

Sincerely,



Hans Bader
Senior Attorney
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, D.C. 20036
(202) 331-2278
hbader@cei.org

¹³ See *ACLU v. U.S. Dept. of Justice*, 321 F.Supp.2d 24, 30 (D.D.C. 2004); *EPIC v. Dept. of Defense*, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

¹⁴ See, e.g., *Editorial: Obama Manipulated Vets, Seniors, Children in Shutdown*, Washington Examiner, Oct. 7, 2013, available at <http://washingtonexaminer.com/examiner-editorial-obama-manipulated-vets-seniors-children-in-shutdown/article/2536931>; Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013.

Attachment to Hans Bader letter dated ~~April 3, 2012~~ ^{October 9, 2013}



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Hans Bader
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, DC 20036

RE: Request Number HQ-FOI-01223-10

Dear Mr. Bader:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. Your FOIA request is seeking a copy of records referred to as the Kerry-Graham-Lieberman climate bill and any attachments or exhibits.

We have reviewed your submission and based on the information you provided, we are granting your fee waiver request. The US Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, within the Office of the Administrator, will be responding to your information request for the Agency.

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman".

Larry F. Gottesman
National FOIA Officer

6



October 9, 2013

Charis Wilson, NPS FOIA Officer
12795 W. Alameda Parkway
P.O. Box 25287, Denver, CO 80225 **FOIA Request #2**
Fax: (303) 969-2557
Email: npsfoia@nps.gov

Re: Freedom of Information Act Request; Expedited Processing Requested

Dear Ms. Wilson (or whoever else may be in charge of handling FOIA requests):

Pursuant to the Freedom of Information Act (5 U.S.C. § 552, *et seq.*), and the regulations thereunder, I am writing on behalf of the Competitive Enterprise Institute (CEI), a non-profit 501(c)(3) public-interest group, to request access to and copies of the following documents:

Any and all records or communications dated or created since May 1, 2013 that either (1) contain or discuss policies, rules, guidelines, or guidance as to what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, in the October 2013 federal government shutdown; (2) assess or discuss prior policies about what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, in any federal government shutdown; or (3) assess or discuss policies used in any federal government shutdown during the Clinton Administration, about what privately-owned businesses, private-leased properties, or privately-owned land to close, shut down, or block access to.

Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

We request that your office waive charges pursuant to 5 U.S.C. § 552(a)(4)(iii) & 43 C.F.R. 2.39, since, as is explained below, disclosure 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 the commercial interest of the requestor.

Even if you do not waive the charges pursuant to those provisions, we request in the alternative that your office waive charges for the first 100 pages and first two hours of search time.

We request this on the basis that CEI is a nonprofit, tax-exempt, public-interest organization, with formal research, educational, and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of government operations, the shaping of public policy, and how taxpayer money is spent. This FOIA request is not for commercial use.¹

If our fee waiver is denied, we are willing to pay up to \$100.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request, we request the search and document production proceed in the interim. (If there are any such charges, please provide an invoice for the time incurred and cost for each document for which more than \$15.00 is sought).

CEI's interest in the documents springs from its efforts to educate the public, scholars, and state and federal regulators on matters of government operations,² including federal land-use issues and access to federal lands.³

¹ Nor would it primarily further or advance any commercial interest. Also, CEI is not a trade association.

² CEI is widely quoted in the press and other publications. See, e.g., George Will, *Obama's Speech Police*, Washington Post, May 26, 2013, at A17 (quoting CEI's Hans Bader about federal education mandates) (available in Westlaw at 2013 WLNR 12921146); Cathy Young, *Yet Another Governmental Overreach*, Newsday, May 28, 2013 (quoting CEI's Hans Bader); Ramesh Ponnuru, *Colleges: New Sexual Harassment Rules Defy Reason*, St. Paul Pioneer-Press, July 24, 2013, at A14 (quoting CEI's Hans Bader) (2013 WLNR 18241796); *Yet Another Federal Attack on Civil Liberties*, Cincinnati Enquirer, May 26, 2013, at F5 (quoting CEI's Hans Bader); JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011 (quoting CEI's Hans Bader); Al Neuharth, *Why Bail Out Bosses Who Messed It Up*, USA Today, Nov. 21, 2008, at 23A (quoting CEI) (available at 2008 WLNR 22235170); Bill Shea, *Agency Looks Beyond Criticism of Ads of GM Boasting About Repaid Loan*, Crain's Detroit Business, May 17, 2010, at 3 (available in Westlaw) (citing CEI); William P. Hoar, *Bailing Out Scam Artists*, New American, October 13, 2008, at pg. 42 (quoting CEI's Bader); Mark Tapscott, *GM Named in Deceptive Advertising Complaint Filed With FTC*, Washington Examiner, May 4, 2010 (same); Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (same); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same).

³ See, e.g., Hans Bader, *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, October 5, 2013 (<http://washingtonexaminer.com/obama-white-house-closing-private-businesses-to-add-pain-to-government-shutdown/article/2536820>); Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013 (quoting the author of this letter about closures of private businesses during the recent shutdown, and quoting a Heritage Foundation lawyer arguing that those closures should be challenged in

The general and policy-oriented public will benefit from the dissemination of the information requested, since CEI's professionals are widely-published about these subjects.⁴

CEI publishes about these and other issues in print and electronic media, as well as newsletters to legislators, education professionals, and other interested parties,⁵ and thus qualifies as a press entity for purposes of FOIA.⁶ Those activities are in fulfillment of CEI's mission. The information received will be disseminated through one or more of the following: a) newsletters, (b) opinion pieces in newspapers or magazines, (c) CEI's web sites and blogs which receive approximately 80,000 monthly visitors (approximately 40,000 unique) and are published on most

court because they were illegal) (<http://dailycaller.com/2013/10/03/lawyers-private-parks-should-sue-obama-admin-for-forcing-them-to-close/>); Editorial, *Property Rights: Eminent Domain Law Gives Developers Unfair Advantage*, Syracuse Post Standard, April 7, 2010, at A14 (quoting CEI about land-use issues and regulation); Erin Kelly, *Big changes on the way for Western states land-use rules*, Las Vegas Sun, Nov. 13, 2009, at 3 (citing R.J. Smith of Competitive Enterprise Institute about land-use controls); *Policies Favoring Environment Over Industries*, Arizona Republic, Nov. 5, 2009 (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (citing CEI).

⁴ For example, the author of this letter routinely writes about government operations and positions taken by government agencies. See, e.g., *Obamacare Quadruples Costs for Some*, CNS News, Oct. 1, 2013, (<http://cnsnews.com/commentary/hans-bader/obamacare-quadruples-costs-some-rewards-others-who-quit-working>); *Getting the History of the Voting Rights Act Right*, Washington Post, May 1, 2013, (http://www.washingtonpost.com/opinions/getting-the-history-of-the-voting-rights-act-right/2013/05/01/1d18328c-b04f-11e2-9fb1-62de9581c946_story.html); *When the First Amendment Is Repealed by Bureaucrats*, Wall Street Journal, May 24, 2013, at A12 (<http://online.wsj.com/article/SB10001424127887324787004578497454237999618.html>); *Race Has No Place in Gun-Law Debate*, Philadelphia Daily News, April 8, 2013 (http://articles.philly.com/2013-04-09/news/38376549_1_nutter-gun-mental-health); *Frum Wrong About Budget Cuts*, National Post, Feb. 12, 2013; *Free Speech Isn't Harassment*, Washington Times, May 23, 2013 (www.washingtontimes.com/news/2013/may/23/free-speech-isnt-harassment/); *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, Oct. 5, 2013; *EEOC Demands Imperil the Public*, Washington Times, Jan. 12, 2012, at B2; Letter, *Mr. Franken's Arbitration Amendment*, Washington Post, Oct. 29, 2009, at A18; *Unlawful to Favor Women-Owned Businesses*, Washington Times, Aug. 5, 2011, at B2; *Day Cares Can't Mandate Diversity*, Washington Times, July 19, 2011, at B2; Letter, *Murphy Twists Facts in Title IX Column*, Patriot-Ledger, April 15, 2011, at 6; Letter, *The Case Against Racial Balancing Schemes*, Washington Post, Dec. 8, 2006, at A38; Letter, *Fair Means Fair; Evidence Must Count for Something*, Wall Street Journal, July 21, 2011, at A16; JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011.

⁵ See *EPIC v. DOD*, 241 F.Supp.2d 5 (D.D.C. 2003) (court ruled that the publisher of a bi-weekly electronic newsletter qualified as the media, entitling it to a waiver of fees on its FOIA request); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1181-82 (10th Cir. 2005) (fee waiver granted for group that "aims to place the information on the Internet"; "Congress intended the courts to liberally construe the fee waiver requests of noncommercial entities").

⁶ See the attachment to this letter, a letter from EPA granting CEI a waiver of fees under FOIA.

days,⁷ (d) in-house publications for public dissemination, (e) other electronic journals including daily blogs and newspaper blogs to which our professionals contribute,⁸ (f) local and syndicated radio programs dedicated to discussing public policy, (g) to the extent that Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues. CEI is regularly cited in newspapers,⁹ law reviews,¹⁰ and legal and scholarly publications.¹¹

As provided by FOIA, I look forward to hearing from you within twenty (20) days.¹² If you deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption on which you are relying, and provide the name and address of the person or body to whom an appeal should be directed. Also, please provide all segregable or non-exempt portions of otherwise exempt material.

⁷ See, e.g., www.openmarket.org (one of several blogs operated by CEI providing daily coverage of legal and regulatory issues); www.globalwarming.org (another CEI blog).

⁸ See, e.g., <http://www.examiner.com/scotus-in-washington-dc/hans-bader> (listing of about 1000 commentaries posted several times a week by CEI's Hans Bader at Examiner.com).

⁹ See, e.g., Greg Victor, *Subsidizing Madness*, Pittsburgh Post-Gazette, March 27, 2011, at E4 (citing Hans Bader of CEI about reach of federal law); Mona Charen, Creators Syndicate, *You Might Suppose That President Obama Has His Hands . . .*, Bismarck Tribune, June 10, 2009, at A8 (syndicated columnist quoted CEI's OpenMarket blog); Hal Davis, *Earth's Temperature Is Rising and So Is Debate About It*, Dayton Daily News, April 22, 2006, at A6 (citing CEI's GlobalWarming.Org); Washington Examiner, August 14, 2008, pg. 24, *Think-Tanking* (reprinting relevant commentary from CEI's OpenMarket); Mark Landsbaum, *Blogwatch: Biofuel Follies*, Orange County Register, Nov. 13, 2007 (citing OpenMarket) (available in Westlaw news database at 2007 WLNR 23059349); Pittsburgh Tribune-Review, *Best of the Blogs*, Oct. 7, 2007 (citing CEI's OpenMarket) (available in Westlaw).

¹⁰ See, e.g., Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (citing Hans Bader of CEI); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same); Robert Hardaway, *The Great American Housing Bubble*, 35 University of Dayton Law Review 33, 34 (2009) (same).

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¹² See 5 U.S.C. § 552(a)(6)(A)(i).

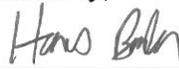
STATEMENT OF BASIS FOR EXPEDITED PROCESSING

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 43 C.F.R. 2.20, CEI also requests that the processing of this request be expedited in light of the compelling need for the requested information. CEI is a non-profit engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Information dissemination is the main professional activity of CEI, the main occupation of most of its staff, and one of the primary functions of the author of this letter.

As with other organizations that courts have found to satisfy the criteria necessary for expedition, CEI “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹³ Moreover, there is an urgent need for the record sought, since the value of the records will be greatly reduced if the information is not disseminated quickly, and there is public concern about the case that is the subject of this FOIA request, as is reflected in recent press coverage, such as recent editorials and news stories on the subject of shutdown-related closures and agency decisions to keep some facilities open while closing others.¹⁴

The undersigned declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on October 9, 2013.

Sincerely,



Hans Bader
Senior Attorney
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, D.C. 20036
(202) 331-2278
hbader@cei.org

¹³ See *ACLU v. U.S. Dept. of Justice*, 321 F.Supp.2d 24, 30 (D.D.C. 2004); *EPIC v. Dept. of Defense*, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

¹⁴ See, e.g., *Editorial: Obama Manipulated Vets, Seniors, Children in Shutdown*, Washington Examiner, Oct. 7, 2013, available at <http://washingtonexaminer.com/examiner-editorial-obama-manipulated-vets-seniors-children-in-shutdown/article/2536931>; Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013.

Attachment to Hans Bader letter dated ~~April 1, 2010~~ ^{October 9, 2013}



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Hans Bader
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, DC 20036

RE: Request Number HQ-FOI-01223-10

Dear Mr. Bader:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. Your FOIA request is seeking a copy of records referred to as the Kerry-Graham-Lieberman climate bill and any attachments or exhibits.

We have reviewed your submission and based on the information you provided, we are granting your fee waiver request. The US Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, within the Office of the Administrator, will be responding to your information request for the Agency.

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman".

Larry F. Gottesman
National FOIA Officer

6



October 9, 2013

Clarice Julka
MS-7328, MIB
1849 C Street, NW
Washington, DC 20240
Fax: (202) 219-2374
Email: os_foia@ios.doi.gov

FOIA Request #2

Re: Freedom of Information Act Request; Expedited Processing Requested

Dear Ms. Julka (or whoever else may be in charge of handling FOIA requests):

Pursuant to the Freedom of Information Act (5 U.S.C. § 552, *et seq.*), and the regulations thereunder, I am writing on behalf of the Competitive Enterprise Institute (CEI), a non-profit 501(c)(3) public-interest group, to request access to and copies of the following documents:

Any and all records or communications dated or created since May 1, 2013 that either (1) contain or discuss policies, rules, guidelines, or guidance as to what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, in the October 2013 federal government shutdown; (2) assess or discuss prior policies about what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, in any federal government shutdown; or (3) assess or discuss policies used in any federal government shutdown during the Clinton Administration, about what privately-owned businesses, private-leased properties, or privately-owned land to close, shut down, or block access to.

Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

We request that your office waive charges pursuant to 5 U.S.C. § 552(a)(4)(iii) & 43 C.F.R. 2.39, since, as is explained below, disclosure 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 the commercial interest of the requestor.

Even if you do not waive the charges pursuant to those provisions, we request in the alternative that your office waive charges for the first 100 pages and first two hours of search time.

We request this on the basis that CEI is a nonprofit, tax-exempt, public-interest organization, with formal research, educational, and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of government operations, the shaping of public policy, and how taxpayer money is spent. This FOIA request is not for commercial use.¹

If our fee waiver is denied, we are willing to pay up to \$100.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request, we request the search and document production proceed in the interim. (If there are any such charges, please provide an invoice for the time incurred and cost for each document for which more than \$15.00 is sought).

CEI's interest in the documents springs from its efforts to educate the public, scholars, and state and federal regulators on matters of government operations,² including federal land-use issues and access to federal lands.³

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² CEI is widely quoted in the press and other publications. See, e.g., George Will, *Obama's Speech Police*, Washington Post, May 26, 2013, at A17 (quoting CEI's Hans Bader about federal education mandates) (available in Westlaw at 2013 WLNR 12921146); Cathy Young, *Yet Another Governmental Overreach*, Newsday, May 28, 2013 (quoting CEI's Hans Bader); Ramesh Ponnuru, *Colleges: New Sexual Harassment Rules Defy Reason*, St. Paul Pioneer-Press, July 24, 2013, at A14 (quoting CEI's Hans Bader) (2013 WLNR 18241796); *Yet Another Federal Attack on Civil Liberties*, Cincinnati Enquirer, May 26, 2013, at F5 (quoting CEI's Hans Bader); JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011 (quoting CEI's Hans Bader); Al Neuharth, *Why Bail Out Bosses Who Messed It Up*, USA Today, Nov. 21, 2008, at 23A (quoting CEI) (available at 2008 WLNR 22235170); Bill Shea, *Agency Looks Beyond Criticism of Ads of GM Boasting About Repaid Loan*, Crain's Detroit Business, May 17, 2010, at 3 (available in Westlaw) (citing CEI); William P. Hoar, *Bailing Out Scam Artists*, New American, October 13, 2008, at pg. 42 (quoting CEI's Bader); Mark Tapscott, *GM Named in Deceptive Advertising Complaint Filed With FTC*, Washington Examiner, May 4, 2010 (same); Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (same); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same).

³ See, e.g., Hans Bader, *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, October 5, 2013 (<http://washingtonexaminer.com/obama-white-house-closing-private-businesses-to-add-pain-to-government-shutdown/article/2536820>); Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013 (quoting the author of this letter about closures of private businesses during the recent shutdown, and quoting a Heritage Foundation lawyer arguing that those closures should be challenged in

The general and policy-oriented public will benefit from the dissemination of the information requested, since CEI's professionals are widely-published about these subjects.⁴

CEI publishes about these and other issues in print and electronic media, as well as newsletters to legislators, education professionals, and other interested parties,⁵ and thus qualifies as a press entity for purposes of FOIA.⁶ Those activities are in fulfillment of CEI's mission. The information received will be disseminated through one or more of the following: a) newsletters, (b) opinion pieces in newspapers or magazines, (c) CEI's web sites and blogs which receive approximately 80,000 monthly visitors (approximately 40,000 unique) and are published on most

court because they were illegal) (<http://dailycaller.com/2013/10/03/lawyers-private-parks-should-sue-obama-admin-for-forcing-them-to-close/>); Editorial, *Property Rights: Eminent Domain Law Gives Developers Unfair Advantage*, Syracuse Post Standard, April 7, 2010, at A14 (quoting CEI about land-use issues and regulation); Erin Kelly, *Big changes on the way for Western states land-use rules*, Las Vegas Sun, Nov. 13, 2009, at 3 (citing R.J. Smith of Competitive Enterprise Institute about land-use controls); *Policies Favoring Environment Over Industries*, Arizona Republic, Nov. 5, 2009 (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (citing CEI).

⁴ For example, the author of this letter routinely writes about government operations and positions taken by government agencies. See, e.g., *Obamacare Quadruples Costs for Some*, CNS News, Oct. 1, 2013, (<http://cnsnews.com/commentary/hans-bader/obamacare-quadruples-costs-some-rewards-others-who-quit-working/>); *Getting the History of the Voting Rights Act Right*, Washington Post, May 1, 2013, (http://www.washingtonpost.com/opinions/getting-the-history-of-the-voting-rights-act-right/2013/05/01/1d18328c-b04f-11e2-9fb1-62de9581c946_story.html); *When the First Amendment Is Repealed by Bureaucrats*, Wall Street Journal, May 24, 2013, at A12 (<http://online.wsj.com/article/SB10001424127887324787004578497454237999618.html>); *Race Has No Place in Gun-Law Debate*, Philadelphia Daily News, April 8, 2013 (http://articles.philly.com/2013-04-09/news/38376549_1_nutter-gun-mental-health); *Frum Wrong About Budget Cuts*, National Post, Feb. 12, 2013; *Free Speech Isn't Harassment*, Washington Times, May 23, 2013 (www.washingtontimes.com/news/2013/may/23/free-speech-isnt-harassment/); *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, Oct. 5, 2013; *EEOC Demands Imperil the Public*, Washington Times, Jan. 12, 2012, at B2; Letter, *Mr. Franken's Arbitration Amendment*, Washington Post, Oct. 29, 2009, at A18; *Unlawful to Favor Women-Owned Businesses*, Washington Times, Aug. 5, 2011, at B2; *Day Cares Can't Mandate Diversity*, Washington Times, July 19, 2011, at B2; Letter, *Murphy Twists Facts in Title IX Column*, Patriot-Ledger, April 15, 2011, at 6; Letter, *The Case Against Racial Balancing Schemes*, Washington Post, Dec. 8, 2006, at A38; Letter, *Fair Means Fair; Evidence Must Count for Something*, Wall Street Journal, July 21, 2011, at A16; JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011.

⁵ See *EPIC v. DOD*, 241 F.Supp.2d 5 (D.D.C. 2003) (court ruled that the publisher of a bi-weekly electronic newsletter qualified as the media, entitling it to a waiver of fees on its FOIA request); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1181-82 (10th Cir. 2005) (fee waiver granted for group that "aims to place the information on the Internet"; "Congress intended the courts to liberally construe the fee waiver requests of noncommercial entities").

⁶ See the attachment to this letter, a letter from EPA granting CEI a waiver of fees under FOIA.

days,⁷ (d) in-house publications for public dissemination, (e) other electronic journals including daily blogs and newspaper blogs to which our professionals contribute,⁸ (f) local and syndicated radio programs dedicated to discussing public policy, (g) to the extent that Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues. CEI is regularly cited in newspapers,⁹ law reviews,¹⁰ and legal and scholarly publications.¹¹

As provided by FOIA, I look forward to hearing from you within twenty (20) days.¹² If you deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption on which you are relying, and provide the name and address of the person or body to whom an appeal should be directed. Also, please provide all segregable or non-exempt portions of otherwise exempt material.

⁷ See, e.g., www.openmarket.org (one of several blogs operated by CEI providing daily coverage of legal and regulatory issues); www.globalwarming.org (another CEI blog).

⁸ See, e.g., <http://www.examiner.com/scotus-in-washington-dc/hans-bader> (listing of about 1000 commentaries posted several times a week by CEI's Hans Bader at Examiner.com).

⁹ See, e.g., Greg Victor, *Subsidizing Madness*, Pittsburgh Post-Gazette, March 27, 2011, at E4 (citing Hans Bader of CEI about reach of federal law); Mona Charen, Creators Syndicate, *You Might Suppose That President Obama Has His Hands . . .*, Bismarck Tribune, June 10, 2009, at A8 (syndicated columnist quoted CEI's OpenMarket blog); Hal Davis, *Earth's Temperature Is Rising and So Is Debate About It*, Dayton Daily News, April 22, 2006, at A6 (citing CEI's GlobalWarming.Org); Washington Examiner, August 14, 2008, pg. 24, *Think-Tanking* (reprinting relevant commentary from CEI's OpenMarket); Mark Landsbaum, *Blogwatch: Biofuel Follies*, Orange County Register, Nov. 13, 2007 (citing OpenMarket) (available in Westlaw news database at 2007 WLNR 23059349); Pittsburgh Tribune-Review, *Best of the Blogs*, Oct. 7, 2007 (citing CEI's OpenMarket) (available in Westlaw).

¹⁰ See, e.g., Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (citing Hans Bader of CEI); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same); Robert Hardaway, *The Great American Housing Bubble*, 35 University of Dayton Law Review 33, 34 (2009) (same).

¹¹ See, e.g., Bruce Yandle, *Bootleggers, Baptists, and the Global Warming Battle*, 26 Harvard Environmental Law Review 177, 221 & fn. 272 (citing CEI's GlobalWarming.Org); Deepa Badrinarayana, *The Emerging Constitutional Challenge of Climate Change: India in Perspective*, 19 Forham Environmental Law Review 1, 22 & fn. 119 (2009) (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (same); David Vanderzwaag, et al., *The Arctic Environmental Protection Strategy, Arctic Council, and Multilateral Environmental Initiatives*, 30 Denver Journal of International Law and Policy 131, 141 & fn. 79 (2002) (same); Bradley K. Krehely, *Government-Sponsored Enterprise: A Discussion of the Federal Subsidy of Fannie Mae and Freddie Mac*, 6 North Carolina Banking Institute 519, 527 (2002) (quoting CEI).

¹² See 5 U.S.C. § 552(a)(6)(A)(i).

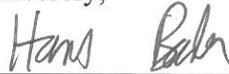
STATEMENT OF BASIS FOR EXPEDITED PROCESSING

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 43 C.F.R. 2.20, CEI also requests that the processing of this request be expedited in light of the compelling need for the requested information. CEI is a non-profit engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Information dissemination is the main professional activity of CEI, the main occupation of most of its staff, and one of the primary functions of the author of this letter.

As with other organizations that courts have found to satisfy the criteria necessary for expedition, CEI “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹³ Moreover, there is an urgent need for the record sought, since the value of the records will be greatly reduced if the information is not disseminated quickly, and there is public concern about the case that is the subject of this FOIA request, as is reflected in recent press coverage, such as recent editorials and news stories on the subject of shutdown-related closures and agency decisions to keep some facilities open while closing others.¹⁴

The undersigned declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on October 9, 2013.

Sincerely,



Hans Bader
Senior Attorney
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, D.C. 20036
(202) 331-2278
hbader@cei.org

¹³ See *ACLU v. U.S. Dept. of Justice*, 321 F.Supp.2d 24, 30 (D.D.C. 2004); *EPIC v. Dept. of Defense*, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

¹⁴ See, e.g., *Editorial: Obama Manipulated Vets, Seniors, Children in Shutdown*, Washington Examiner, Oct. 7, 2013, available at <http://washingtonexaminer.com/examiner-editorial-obama-manipulated-vets-seniors-children-in-shutdown/article/2536931>; Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013.

Attachment to Hans Bader letter dated ~~April 27, 2012~~ October 9, 2013



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Hans Bader
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, DC 20036

RE: Request Number HQ-FOI-01223-10

Dear Mr. Bader:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. Your FOIA request is seeking a copy of records referred to as the Kerry-Graham-Lieberman climate bill and any attachments or exhibits.

We have reviewed your submission and based on the information you provided, we are granting your fee waiver request. The US Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, within the Office of the Administrator, will be responding to your information request for the Agency.

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman".

Larry F. Gottesman
National FOIA Officer

6



October 10, 2013

USDA Forest Service, FOIA Service Center
1400 Independence Ave., SW, Mail Stop: 1143
Washington, DC 20250-1143
Fax: (703) 605-5221
E-mail: wo_foia@fs.fed.us

Re: Freedom of Information Act Request; Expedited Processing Requested

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552, *et seq.*), and the regulations thereunder, I am writing on behalf of the Competitive Enterprise Institute (CEI), a non-profit 501(c)(3) public-interest group, to request access to and copies of the following documents:

Any and all records or communications dated or created since May 1, 2013 that either (1) contain or discuss policies, rules, guidelines, or guidance as to what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, during the October 2013 federal government shutdown; (2) order or require the closure, shutting down, or blocking of public access to, any campground, park, or business operated, managed, controlled, or run by Recreation Resource Management, Inc., or Recreation Resource Management of America; or (3) assess or discuss policies used in any federal government shutdown during the Clinton Administration, about what privately-owned businesses, private-leased properties, or privately-owned land to close, shut down, or block access to.

Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

We request that your office waive charges pursuant to 5 U.S.C. § 552(a)(4)(iii) & 7 C.F.R. Part 1, Appendix A to Subpart A of Part 1, §§ 5(b)&(c) & 6(a), since, as is explained below, disclosure 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 the commercial interest of the requestor.

Even if you do not waive the charges pursuant to those provisions, we request in the alternative that your office waive charges for the first 100 pages and first two hours of search time.¹

We request this on the basis that CEI is a nonprofit, tax-exempt, public-interest organization, with formal research, educational, and publication functions as part of its mission, and because release of these records will serve the public interest by contributing significantly to the public's understanding of government operations, the shaping of public policy, and how taxpayer money is spent.² This FOIA request is not for commercial use.³

If our fee waiver is denied, we are willing to pay up to \$100.00, and in the event of any appeal as appropriate and regardless of that outcome or your response to this fee waiver request, we request the search and document production proceed in the interim. (If there are any such charges, please provide an invoice for the time incurred and cost for each document for which more than \$15.00 is sought).

CEI's interest in the documents springs from its efforts to educate the public, scholars, and state and federal regulators on matters of government operations,⁴ including federal land-use issues, access to federal lands, and related property-rights issues.⁵

¹ See, e.g., 7 C.F.R. Part 1, Appendix A to Subpart A of Part 1, § 5(d).

² See, e.g., 7 C.F.R. Part 1, Appendix A to Subpart A of Part 1, § 5(b) (providing for fee waivers for Educational and non-commercial scientific institution requesters).

³ Nor would it primarily further or advance any commercial interest. Also, CEI is not a trade association.

⁴ CEI is widely quoted in the press and other publications. See, e.g., George Will, *Obama's Speech Police*, Washington Post, May 26, 2013, at A17 (quoting CEI's Hans Bader about federal education mandates) (available in Westlaw at 2013 WLNR 12921146; Cathy Young, *Yet Another Governmental Overreach*, Newsday, May 28, 2013 (quoting CEI's Hans Bader); Ramesh Ponnuru, *Colleges: New Sexual Harassment Rules Defy Reason*, St. Paul Pioneer-Press, July 24, 2013, at A14 (quoting CEI's Hans Bader) (2013 WLNR 18241796); *Yet Another Federal Attack on Civil Liberties*, Cincinnati Enquirer, May 26, 2013, at F5 (quoting CEI's Hans Bader); JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011 (quoting CEI's Hans Bader); Al Neuharth, *Why Bail Out Bosses Who Messed It Up*, USA Today, Nov. 21, 2008, at 23A (quoting CEI) (available at 2008 WLNR 22235170); Bill Shea, *Agency Looks Beyond Criticism of Ads of GM Boasting About Repaid Loan*, Crain's Detroit Business, May 17, 2010, at 3 (available in Westlaw) (citing CEI); William P. Hoar, *Bailing Out Scam Artists*, New American, October 13, 2008, at pg. 42 (quoting CEI's Bader); Mark Tapscott, *GM Named in Deceptive Advertising Complaint Filed With FTC*, Washington Examiner, May 4, 2010 (same); Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (same); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same).

The general and policy-oriented public will benefit from the dissemination of the information requested, since CEI's professionals are widely-published about these subjects.⁶

CEI publishes about these and other issues in print and electronic media, as well as newsletters to legislators, education professionals, and other interested parties,⁷ and thus qualifies as a press entity for purposes of FOIA.⁸ Those activities are in fulfillment of CEI's mission. The information received will be disseminated through one or more of the following: a) newsletters,

⁵ See, e.g., Hans Bader, *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, Oct. 5, 2013 (<http://washingtonexaminer.com/obama-white-house-closing-private-businesses-to-add-pain-to-government-shutdown/article/2536820>); Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, Oct. 3, 2013 (quoting the author of this letter about closures of businesses during the recent shutdown, and quoting a Heritage Foundation lawyer saying they should be challenged in court as illegal) (<http://dailycaller.com/2013/10/03/lawyers-private-parks-should-sue-obama-admin-for-forcing-them-to-close/>); Editorial, *Property Rights: Eminent Domain Law Gives Developers Unfair Advantage*, Syracuse Post Standard, April 7, 2010, at A14 (quoting CEI about land-use regulation); Erin Kelly, *Big changes on the way for Western states land-use rules*, Las Vegas Sun, Nov. 13, 2009, at 3 (citing R.J. Smith of Competitive Enterprise Institute about land-use controls); *Policies Favoring Environment Over Industries*, Arizona Republic, Nov. 5, 2009 (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (citing CEI).

⁶ For example, the author of this letter routinely writes about government operations and positions taken by government agencies. See, e.g., *Obamacare Quadruples Costs for Some*, CNS News, Oct. 1, 2013, (<http://cnsnews.com/commentary/hans-bader/obamacare-quadruples-costs-some-rewards-others-who-quit-working>); *Getting the History of the Voting Rights Act Right*, Washington Post, May 1, 2013, (http://www.washingtonpost.com/opinions/getting-the-history-of-the-voting-rights-act-right/2013/05/01/1d18328c-b04f-11e2-9fb1-62de9581c946_story.html); *When the First Amendment Is Repealed by Bureaucrats*, Wall Street Journal, May 24, 2013, at A12 (<http://online.wsj.com/article/SB10001424127887324787004578497454237999618.html>); *Race Has No Place in Gun-Law Debate*, Philadelphia Daily News, April 8, 2013 (http://articles.philly.com/2013-04-09/news/38376549_1_nutter-gun-mental-health); *Frum Wrong About Budget Cuts*, National Post, Feb. 12, 2013; *Free Speech Isn't Harassment*, Washington Times, May 23, 2013 (www.washingtontimes.com/news/2013/may/23/free-speech-isnt-harassment/); *Obama White House Closing Private Businesses to Add Pain to Government Shutdown*, Washington Examiner, Oct. 5, 2013; *EEOC Demands Imperil the Public*, Washington Times, Jan. 12, 2012, at B2; Letter, *Mr. Franken's Arbitration Amendment*, Washington Post, Oct. 29, 2009, at A18; *Unlawful to Favor Women-Owned Businesses*, Washington Times, Aug. 5, 2011, at B2; *Day Cares Can't Mandate Diversity*, Washington Times, July 19, 2011, at B2; Letter, *Murphy Twists Facts in Title IX Column*, Patriot-Ledger, April 15, 2011, at 6; Letter, *The Case Against Racial Balancing Schemes*, Washington Post, Dec. 8, 2006, at A38; Letter, *Fair Means Fair; Evidence Must Count for Something*, Wall Street Journal, July 21, 2011, at A16; JulieAnn McKellogg, *US Supreme Court Hears Massive Wal Mart Discrimination Case*, Voice of America, March 29, 2011.

⁷ See *EPIC v. DOD*, 241 F.Supp.2d 5 (D.D.C. 2003) (publisher of bi-weekly electronic newsletter qualified as the media, entitling it to fee waiver under FOIA); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1181-82 (10th Cir. 2005) (fee waiver granted for group that "aims to place the information on the Internet"; "Congress intended the courts to liberally construe the fee waiver requests of noncommercial entities").

⁸ See the attachment to this letter, an EPA letter granting CEI a waiver of fees under FOIA. See also, e.g., 7 C.F.R. Part 1, Appendix A to Subpart A of Part 1, § 5(c) (also providing for fee waivers for media requesters).

(b) opinion pieces in newspapers or magazines, (c) CEI's web sites and blogs which receive approximately 80,000 monthly visitors (approximately 40,000 unique) and are published on most days,⁹ (d) in-house publications for public dissemination, (e) other electronic journals including daily blogs and newspaper blogs to which our professionals contribute,¹⁰ (f) local and syndicated radio programs dedicated to discussing public policy, (g) to the extent that Congress or states engaged in relevant oversight or related legislative or judicial activities find that which is received noteworthy, it will become part of the public record on deliberations of the legislative branches of the Federal and State Governments on the relevant issues. CEI is regularly cited in newspapers,¹¹ law reviews,¹² and legal and scholarly publications.¹³

As provided by FOIA, I look forward to hearing from you within twenty (20) days.¹⁴ If you deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption on which you are relying, and provide the name and address of the person or body to whom an appeal should be directed. Also, please provide all segregable or non-exempt portions of otherwise exempt material.

⁹ See, e.g., www.openmarket.org (one of several blogs operated by CEI providing daily coverage of legal and regulatory issues); www.globalwarming.org (another CEI blog).

¹⁰ See, e.g., <http://www.examiner.com/scotus-in-washington-dc/hans-bader> (listing of about 1000 commentaries posted several times a week by CEI's Hans Bader at Examiner.com).

¹¹ See, e.g., Greg Victor, *Subsidizing Madness*, Pittsburgh Post-Gazette, March 27, 2011, at E4 (citing Hans Bader of CEI about reach of federal law); Mona Charen, Creators Syndicate, *You Might Suppose That President Obama Has His Hands . . .*, Bismarck Tribune, June 10, 2009, at A8 (syndicated columnist quoted CEI's OpenMarket blog); Hal Davis, *Earth's Temperature Is Rising and So Is Debate About It*, Dayton Daily News, April 22, 2006, at A6 (citing CEI's GlobalWarming.Org); Washington Examiner, August 14, 2008, pg. 24, *Think-Tanking* (reprinting relevant commentary from CEI's OpenMarket); Mark Landsbaum, *Blogwatch: Biofuel Follies*, Orange County Register, Nov. 13, 2007 (citing OpenMarket) (available in Westlaw news database at 2007 WLNR 23059349); Pittsburgh Tribune-Review, *Best of the Blogs*, Oct. 7, 2007 (citing CEI's OpenMarket) (available in Westlaw).

¹² See, e.g., Carrie Lynn Flores, *Translation Services Not Required: The Civil Rights Act of 1964 Does Not Require Special Accommodations for Limited English Proficiency Individuals*, 15 Harvard Latino Law Review 193, 198 fn. 24 (2011) (citing Hans Bader of CEI); Carter T. Coker, *Hope-Fulfilling or Effectively Chilling? Reconciling the Hate Crimes Prevention Act With the First Amendment*, 64 Vanderbilt Law Review 271, 283 fn. 73, 289 fn.103 & 106, 209 fn. 106 (2011) (same); Robert Hardaway, *The Great American Housing Bubble*, 35 University of Dayton Law Review 33, 34 (2009) (same).

¹³ See, e.g., Bruce Yandle, *Bootleggers, Baptists, and the Global Warming Battle*, 26 Harvard Environmental Law Review 177, 221 & fn. 272 (citing CEI's GlobalWarming.Org); Deepa Badrinarayana, *The Emerging Constitutional Challenge of Climate Change: India in Perspective*, 19 Forham Environmental Law Review 1, 22 & fn. 119 (2009) (same); Kim Diana Connolly, *Bridging the Divide: Examining the Role of the Public Trust in Protecting Coastal and Wetland Resources*, 15 Southeastern Environmental Law Journal 1, 15 & fn. 127 (2006) (same); David Vanderzwaag, et al., *The Arctic Environmental Protection Strategy, Arctic Council, and Multilateral Environmental Initiatives*, 30 Denver Journal of International Law and Policy 131, 141 & fn. 79 (2002) (same); Bradley K. Krehely, *Government-Sponsored Enterprise: A Discussion of the Federal Subsidy of Fannie Mae and Freddie Mac*, 6 North Carolina Banking Institute 519, 527 (2002) (quoting CEI).

¹⁴ See 5 U.S.C. § 552(a)(6)(A)(i).

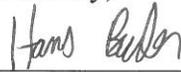
STATEMENT OF BASIS FOR EXPEDITED PROCESSING

Pursuant to 5 U.S.C. § 552(a)(6)(E) and 7 C.F.R. 1.9, CEI also requests that the processing of this request be expedited in light of the compelling need for the requested information. CEI is a non-profit engaged primarily in disseminating information it gathers from a variety of sources, including the FOIA, and seeks the information requested in this FOIA request for the express purpose of disseminating it to the public. Information dissemination is the main professional activity of CEI, the main occupation of most of its staff, and one of the primary functions of the author of this letter.

As with other organizations that courts have found to satisfy the criteria necessary for expedition, CEI “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”¹⁵ Moreover, there is an urgent need for the record sought, since the value of the records will be greatly reduced if the information is not disseminated quickly, and there is public concern about the case that is the subject of this FOIA request, as is reflected in recent press coverage, such as recent editorials and news stories on the subject of shutdown-related closures and agency decisions to keep some facilities open while closing others.¹⁶

The undersigned declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on October 10, 2013.

Sincerely,



Hans Bader
Senior Attorney
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, D.C. 20036
(202) 331-2278
hbader@cei.org

¹⁵ See *ACLU v. U.S. Dept. of Justice*, 321 F.Supp.2d 24, 30 (D.D.C. 2004); *EPIC v. Dept. of Defense*, 241 F.Supp.2d 5, 11 (D.D.C. 2003).

¹⁶ See, e.g., *Editorial: Obama Manipulated Vets, Seniors, Children in Shutdown*, Washington Examiner, Oct. 7, 2013, available at <http://washingtonexaminer.com/examiner-editorial-obama-manipulated-vets-seniors-children-in-shutdown/article/2536931>; Michael Bastasch, *Lawyers: Private Parks Should Sue Obama Administration for Forcing Them to Close*, Daily Caller, October 3, 2013.

Attachment to Hans Bader letter dated ~~April 10, 2010~~ ^{October 10, 2013}



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 10, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Hans Bader
Competitive Enterprise Institute
1899 L Street, NW, 12th Floor
Washington, DC 20036

RE: Request Number HQ-FOI-01223-10

Dear Mr. Bader:

This is in response to your request for a waiver of fees in connection with your Freedom of Information Act (FOIA), 5 U.S.C. 552 request. Your FOIA request is seeking a copy of records referred to as the Kerry-Graham-Lieberman climate bill and any attachments or exhibits.

We have reviewed your submission and based on the information you provided, we are granting your fee waiver request. The US Environmental Protection Agency (EPA) Office of Congressional and Intergovernmental Relations, within the Office of the Administrator, will be responding to your information request for the Agency.

If you have any questions concerning this determination, please contact me at (202) 566-1667.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry F. Gottesman".

Larry F. Gottesman
National FOIA Officer

6

TX Result Report

P 1
 10/10/2013 11:08
 Serial No. AOP0011002295
 TC: 817977

Addressee	Start Time	Time	Prints	Result	Note
17036055221	10-10 11:06	00:02:03	006/006	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
 RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,
 LOVR:Receiving length Over, POVR:Receiving page Over, FIL:File Error,
 DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



October 10, 2013

USDA Forest Service, FOIA Service Center
 1400 Independence Ave., SW, Mail Stop: 1143
 Washington, DC 20250-1143
 Fax: (703) 605-5221
 E-mail: wo_foia@fs.fed.us

Re: Freedom of Information Act Request; Expedited Processing Requested

Dear Sir/Madam:

Pursuant to the Freedom of Information Act (5 U.S.C. § 552, *et seq.*), and the regulations thereunder, I am writing on behalf of the Competitive Enterprise Institute (CEI), a non-profit 501(c)(3) public-interest group, to request access to and copies of the following documents:

Any and all records or communications dated or created since May 1, 2013 that either (1) contain or discuss policies, rules, guidelines, or guidance as to what privately-operated businesses, privately-leased properties, private concessions, or privately-owned land to close, shut down, or block access to, during the October 2013 federal government shutdown; (2) order or require the closure, shutting down, or blocking of public access to, any campground, park, or business operated, managed, controlled, or run by Recreation Resource Management, Inc., or Recreation Resource Management of America; or (3) assess or discuss policies used in any federal government shutdown during the Clinton Administration, about what privately-owned businesses, private-leased properties, or privately-owned land to close, shut down, or block access to.

Please provide the documents in electronic form (except for documents that do not exist in electronic form), unless it would be cheaper to obtain paper copies.

We request that your office waive charges pursuant to 5 U.S.C. § 552(a)(4)(iii) & 7 C.F.R. Part 1, Appendix A to Subpart A of Part 1, §§ 5(b)&(c) & 6(a), since, as is explained below, disclosure is in the public interest because it is likely to contribute significantly to public