The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
www.nsarchive.org

Friday, October 01, 2010

Sybia Harrison
FOIA Officer
600 17th Street, N.W.
Washington, DC 20508

Re: Request under the FOIA, in reply refer to Archive#   201010120TR001

Dear Ms. Harrison :

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following: .

*All documents related to "the several specific steps" that White House Chief of Staff Rahm Emanuel
and White House Counsel to the President Bob Bauer instructed your agency to take in a 16 March
2010 memo to all agency and department heads. The memo is available at
http://www.whitehouse.gov/sites/default/files/rss_viewer/foia_memo_3-16-10.pdf*

The "specific steps" that the memo instructed your office to implement include:

*1) "update[ing] all FOIA guidance and training materials to include the principles articulated in the
President's memorandum" and*

*2) "assess[ing] whether you are devoting adequate resources to responding to FOIA requests
promptly and cooperatively."*

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I
request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please
release all reasonably segregable non exempt portions of documents. To permit me to reach an intelligent
and informed decision whether or not to file an administrative appeal of any denied material, please
describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the
news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search
and review fees. (See *National Security Archive v. U.S. Department of Defense*,   880 F.2d 1381 (D.C.
Cir. 1989), *cert denied*,   110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news
research project that is intended for publication and is not for commercial use. For details on the
Archive's research and extensive publication activities please see our website at www.nsarchive.org.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. Please notify me before incurring any photocopying costs over $100. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000 or email me at foiamail@gwu.edu. I look forward to receiving your response within the twenty day statutory time period.

Sincerely yours,

Nate Jones

March 24, 2011

Mr. Nate Jones
The National Security Archive
The George Washington University
Gelman Library, Suite 01
2130 H Street, N.W.
Washington, D.C. 20037

Dear Mr. Jones:

This letter is USTR's response to your Freedom of Information Act request for **"all documents related to "the several specific steps" that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed your agency to take in a 16 March 2010 memo to all agency and department heads."**

Please be advised that USTR conducted a six week agency-wide FOIA training in an effort to comply with the White House March 16th memorandum.

We are releasing twelve **(12)** documents in response to your request. Please note that some of the documents used for training are fictitious and were designed to pique the interest of the trainees. These fictitious documents do not reflect any USTR policy or opinions and were not based on real circumstances, people, or events.

Inasmuch as this constitutes a complete response to your request, I am closing your file in this office. In the event that you are dissatisfied with USTR's determination, you may appeal such a denial, within thirty (30) days, in writing to:
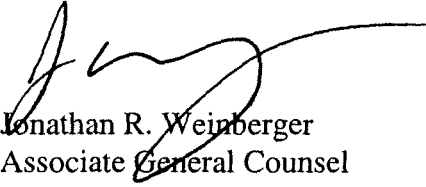
> FOIA Appeals Committee
> Office of the United States Trade Representative
> 1724 F Street, N.W.
> Washington, DC 20508

Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal". In the event you are dissatisfied with the results of any such appeal, judicial review will thereafter be available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, where we searched for the records you seek.

Mr. Nate Jones
Page 2

Should you have any questions, please feel free to contact the FOIA office at (202) 395-3419.

Sincerely,

Jonathan R. Weinberger
Associate General Counsel

Case File #10100154

Weinberger, Jonathan R. /

To: Apol, David; Krammes, Scott
Cc: Caldwell, Jacqui; Suro-Bredie, Carmen
Subject: RE: FOIA request

On behalf of Conspiracy Theories Unlimited, and pursuant to the Freedom of Information Act, 5 U.S.C. 552, I request all records reflecting, or relating to, the AD/CVD case regarding U.S. auto exports to China. Specifically, send us everything you produced, wrote, and everything China and the auto companies wrote, and produced. This request encompasses all records created or obtained from October 1, 2009, to the present.

If it is your position that the responsive records exist, but that those records (or portions of those records) are exempt from disclosure, please identify the records that are being withheld and state the basis for denial of each record being withheld. In addition, please provide the nonexempt portions of the records. For any exemptions we find unconvincing we will file an appeal.

Conspiracy Theories Unlimited requires that all fees in connection with this FOIA request be waived in accordance with 5 USC 552(a)(4)(iii) because disclosure of this information is likely to significantly contribute to the public understanding of operations or activities of the government and will not further any commercial interest. Conspiracy Theories Unlimited is a nonprofit research and advocacy organization that represents consumers, anarchists, and hippies' interest before Congress, the executive branch, the courts, and the Supreme Starship Commander, and that fights for the openness and democratic accountability in government because we all know the government is hiding juicy bits. Additionally, Conspiracy Theories Unlimited disseminates its reports via publication, through our website www.donttrustbigbrother.org , and through various newsletters that are distributed to all of our members in all corners of the earth and beyond, free of charge. Our circulation is up to 11 and growing strong on earth and 6 other planets.

There is little publically available concerning this AD/CVD case and we know the government and the auto companies are hiding something because they must be. Thus, the records requested will significantly contribute to the publics understanding of how the government diabolically plots the undermining of its citizens.

Accordingly, we request that you waive all fees for locating and duplicating the requested records. If however, such a waiver is not granted, please advise us of the amount of any proposed search and reproduction charges before those activities are carried out or any charges incurred. We are willing to spend up to $10 for the search, but will sue you for several hundred thousand dollars if we feel like it.

We expect a response in the statutory 20 days, or else.

FOIA made Fun!
(or at least not unbearably painful)

1. The Setting
   a. The OPEN Government Act
   b. The Holder Memo
   c. Transparency
   d. Time limits

2. The Incoming Request
   a. What happens in the FOIA office
   b. Your initial actions. Do this on Day One.
       i. Read it. (Curse)
       ii. Evaluate It.
           1. Can this be answered?
           2. Are you the right person?
           3. Do others need to share your pain?
       iii. Act
           1. If easy, answer it
           2. Begin Search
           3. Call Jonathan to clarify the request
           4. Call the requestor. Try to get him to identify what he is after.
       iv. **Do not ignore this. It will not go away, it will just get nastier. Lawsuits usually happen when people are feeling ignored. Lawsuits make FOIAs about 100 times harder.**

3. The Search
   a. Determine where the records are likely to be.
   b. Determine if there are non repetitive records located elsewhere.
   c. Create a search
       i. Determine key terms
       ii. Create a search folder
       iii. Refine your search
       iv. Get help from "the computer dudes"
       v. Scott's top search tips:
           1. When appropriate, collect information on public sites. Ie Regulations.gov
           2. Organize what you keep
           3. Use specific terms/criteria when searching

4. Producing results
    a. Print out your results (if really big we can discuss electronic files)
    b. Indicate what materials need to be withheld and what exemption applies (segerable material must be released)
        i. Classified (Including FGI)
        ii. Confidential information from third parties (including business confidential)
        iii. Deliberative process materials (including Attorney Client).
            1. **Release unless there is an identifiable harm** (think about this before you write . . . I'll be embarrassed doesn't work).
            2. Material must show the deliberative process
        iv. Privacy Act Materials
        v. Stuff from other agencies (need to get clearance from them).
    c. Bring copies of your treasures to Jacqui Caldwell

5. Email best practices
    a. Create Folders
        i. Manually
        ii. Automatically (this is really cool)
        iii. Everyone should have a personal folder
    b. The five Ds
        i. Delete it
        ii. Do it
        iii. Delegate it
        iv. Defer it
        v. Don't write it
            1. Not every communication needs to be on email
            2. If you don't have everything you need in order to respond, frequently a phone conversation is better
            3. Don't write stuff you would not want to see reprinted.
                a. Humor is fine as long as you don't mind it being repeated
                b. Sarcasm aimed at anyone but yourself is usually a bad idea.
                c. Email is not the place for political commentary
    c. Use the new "wiki" type editing function. Will create one draft rather than 200.

| To: | 'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov'; walter_weasel@agency.gov; neo_phyte@congress.gov |
| Subject: | RE: FOIA SAMPLE |

All

Please see the attached document for final clearance. Everyone has signed off. Thank you everyone for all your help and professionalism.

Clyde Clueless
USTR

From: David Joblossus
Sent: Monday, June 07, 2010 6:03 PM
To: 'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov'
Subject: RE: FOIA SAMPLE

Clyde

We're ready to go with this, please send it out for final clearance.

David

From: Clyde Clueless

Sent: Monday, June 07, 2010 6:02 PM
To'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov'
Subject: RE: FOIA SAMPLE
David,

I've made a few more edits. Also heard back from the Senator's office. They seem OK with our approach. Just a little more housekeeping.

Clyde

From: David Joblossus
Sent: Monday, June 07, 2010 6:00 PM
To: 'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov'
Subject: RE: FOIA SAMPLE

Clyde,

Wonders of wonders, we got an answer back from Walter. They actually made a decision. They have some comments on our draft which are attached. Worthless, but harmless.

David

From: Clyde Clueless
Sent: Monday, June 07, 2010 5:53 PM

To: 'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov'
Subject: RE: FOIA SAMPLE

David,

Let me see if I can move the slugs over there off their collective behinds. Of course we still have to get the OK from Senator Schmidlapps office. I'm sure they will have some "extremely helpful" suggestions. Probably will refuse to go along unless we start every sentence with "China – bad!" (Is it just me, or do you always think of the Scarecrow song when you have to deal with those guys.)

Clyde

From: David Joblossus
Sent: Monday, June 07, 2010 5:13 PM
To: 'David_Joblossus@ustr.gov'; 'Clyde_Clueless@ustr.gov';
Subject: FOIA SAMPLE

Clyde –

We are still waiting for feedback from Walter in the clearance office on the China auto case. No one over there seems to be able to make up their minds. Do you know of anything we could put in their water to help them grow a backbone! (or at least move up the evolutionary scale.)

THESE ARE FICTIOUS EMAILS FOR TRAINING PURPOSES ONLY

2

1 Best practices for good email management

Outlook 2007 is a tool to help you manage your e-mail, calendar, contacts, and tasks. As such, it is at the center of not only your communications but also your time-management. To get the most out of Outlook 2007, Microsoft suggests a few basic principles:

Process your e-mail by using the Five Ds. When reading your e-mail, decide whether to

- Delete it.   (bb: delete + click)
- Do it (respond).   (bb: "r" + click)
- Delegate it (forward).   (bb: :f" + click)
- Defer it (file for action / add to your task list). (bb: "l" + click)
- Don't send it (use the phone)

2 Folders

It is considered best practice to have:

- **An Inbox** to process your mail (apply the five Ds here). If you receive many messages that go back and forth among several different people, use the conversation arrangement. Otherwise, use the date arrangement (the default arrangement).
  NOTE: If this folder becomes too large (10,000 items or more), Outlook 2007 may become slow when switching to this folder. In this case, you should archive the older items to a pst folder.

- **An "Action" folder,** under the Inbox, for all emails that require action and you cant do immediately. reference material that you might want to refer back to later.

- **A folder for career-related, private, and personal e-mail.** Having a separate folder for personal and career-related information gives you the freedom to search for a message while someone is standing over your shoulder without worrying that a personally sensitive message will appear. Name this folder "Personal" Managers might have a single folder for feedback on their employees called "Management."

- **A set of folders for distribution list (DL) e-mail.** All e-mail sent to distribution lists (also known as list servers or mailing lists) do not necessarily need to be read. This set of folders is the repository for all of the DL e-mail that is not automatically filed into your Inbox. Create a single, top-level folder under your Inbox called "DLs" and then create a subfolder for each topic of DLs. Usually, one folder per DL is enough, but if you are on several related DLs, consider having all of the mail routed to the same folder. Collapse the top-level DL folder so that you aren't distracted by the unread messages in the folders beneath it.
  NOTE: If you need to read every message on a DL, do not create a folder for it. This e-mail should go directly to your Inbox.

3 Search folders

A Search Folder is a virtual folder that provides a view of all e-mail items that match specific search criteria. For example, the Unread Mail Search Folder allows you to view all unread messages from one location even though the messages may be located in different Mail folders.

Default Search Folders

There are three default Search Folders in the Navigation Pane (Navigation Pane: The column on the left side of the Outlook window that includes panes such as Shortcuts or Mail and the shortcuts or folders within each pane. Click a folder to show the items in the folder.):

Categorized Mail includes items that have been assigned a color category.

Large Mail includes items that are larger than 100 kilobytes (KB).

Unread Mail includes items that are marked as unread.
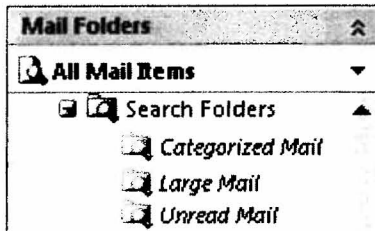
Note   Search Folders can be created in other locations for data files such as a Personal Folders file (.pst) (Personal Folders file (.pst): Data file that stores your messages and other items on your computer. You can use a .pst to organize and back up items for safekeeping.) or Archived Folders file (Archive.pst). Search Folders cannot contain search results from across multiple data files.

In addition to the default Search Folders, Outlook includes a list of predefined Search Folders. You can customize a predefined Search Folder with your own search criteria.

You can also create your own custom Search Folder by defining specific search criteria that e-mail messages must meet to be displayed in the Search Folder.

Note   Search Folders in Microsoft Office Outlook 2007 support prefix matching in the text strings that you specify. For example, if you want to include all messages with the word "rain" in the Search Folder, the Search Folder will also include messages with words like "raining" or "rainy" but won't include words like "brain."

Important When you delete a Search Folder, the e-mail messages shown in the Search Folder are not deleted from their original locations, because those items are only viewed in a Search Folder. However, if you open or select one or more e-mail messages shown in a Search Folder and then delete them, the messages will be deleted from the Outlook folders where they were stored.

Add a predefined Search Folder

In Mail, on the File menu, point to New, and then click Search Folder.

Click a predefined Search Folder.

If prompted, under Customize Search Folder, specify the search criteria to use.

To select a different mailbox to search, under Customize Search Folder, click the arrow, and then select the mailbox from the list.

Tip   To change the criteria for a Search Folder, right-click the folder, click Customize this Search Folder, click Criteria, and then change the criteria. The criteria of Search Folders in the Reading Mail group cannot be changed.

Create a custom Search Folder

In Mail, on the File menu, point to New, and then click Search Folder.
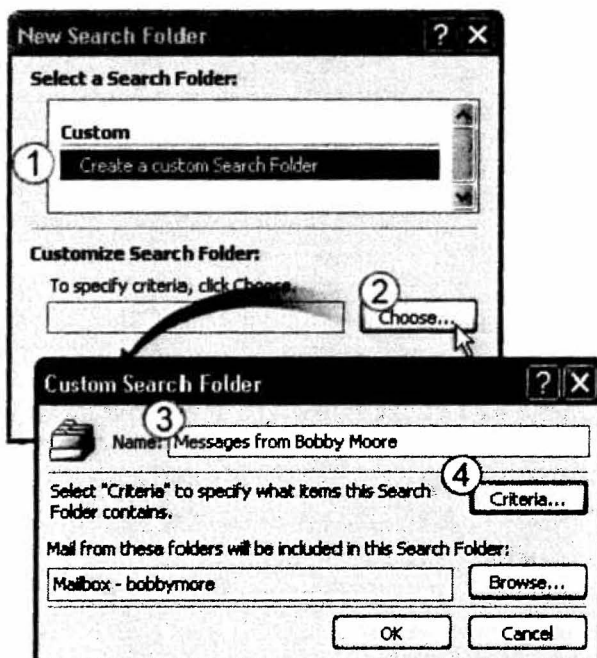
Click Create a custom Search Folder.

Under Customize Search Folder, click Choose.

Type a name for your custom Search Folder.

Click Criteria, select the options that you want, and then click OK.

Click Browse, select the folders that you want to be searched, and then click OK three times.

1 Click to create a custom Search Folder.

2 Click to open the **Custom Search Folder** dialog box.

3 Click to name your Search Folder.

4 Click to specify the search criteria.

TIP To change the criteria for a Search Folder, right-click the folder, click **Customize this Search Folder**, click **Criteria**, and then change the criteria. The criteria of Search Folders in the **Reading Mail** group cannot be changed.

4 Wiki Technology vs. email
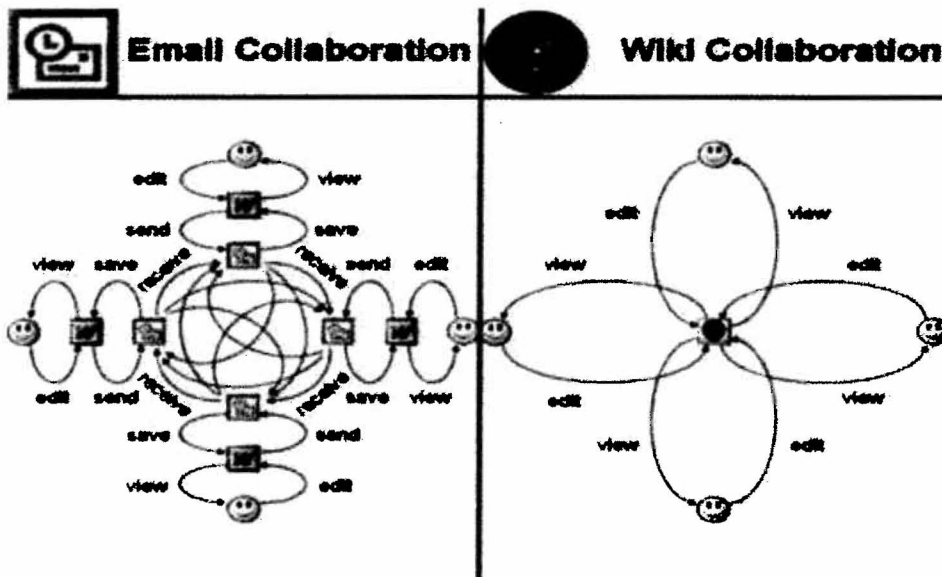
TPP Case Study: TPP is using Wiki technology to coordinate the negotiations. In a typical case where each of the 8 partner countries needs to email each other partner regarding proposed edits / comments to a word document, the number of emails generated would be 8*8 = 64 Emails for every change to every document. Now, multiply by the number of times a document is changed and the total number of documents and the number of emails becomes very large. Let's assume 25 changes / document and 200 documents.

The number of emails generated would be 64*25*200 = 320,000 Emails!!!

However, with Wiki technology, the number of documents remains constant at 200.

Office of the United States Trade Representative   *5*
Executive Office of the President

FOIA and Open Government

Freedom of Information Act and Open Government.

The Freedom of Information Act (FOIA) Program at the Office of the U.S. Trade Representative (USTR) is located in the Office of Policy Coordination and operates under the authority of the Assistant USTR for Policy Coordination, who is the Chief FOIA Officer for the Agency. The FOIA Program is managed by the Chief FOIA officer with a FOIA specialist and a FOIA Attorney. Together they provide guidance to the Agency's 240 employees on FOIA policy, including the new presumption of openness outlined in the Attorney General's FOIA guidelines, dated March 19, 2009.

On receipt of a FOIA request, the FOIA specialist transmits the request by e-mail to the action Assistant USTR(s) who has 48 hours to name the person on his/her staff that will be responsible for the FOIA. The FOIA specialist adds the FOIA to the FOIA log, and transmits the due date to the action officer. At a weekly FOIA meeting of the Chief FOIA Officer, the specialist and the attorney, the status of all FOIAs is reviewed and the action offices are contacted to ascertain if they are on course to complete the FOIA.

In the new Administration, several changes have been made to the FOIA program to make it more responsive to the public. The President's FOIA Memorandum and the Attorney General's FOIA guidelines have been discussed in Senior Staff meetings to ensure that all managers understand the presumption of openness. The USTR and the General Counsel have underscored the importance of transparency throughout the Agency, and particularly in the FOIA program. To be sure that the Attorney General's guidelines were well understood, USTR contacted the Justice Department to arrange for a training session by two of their attorneys. Each USTR unit designated at least one individual to attend the training and to brief their office mates.

To respond to FOIA requests with more accurate information and in a timelier manner, the USTR FOIA Staff instituted a process of contacting requestors with the relevant USTR staff present to achieve a precise understanding of the scope of the request. If the request is overly broad, USTR will seek to narrow it to match the requestor's interest, and, therefore respond with more accurate information. In addition, USTR has instituted a policy of having a FOIA staff member personally review every individual exemption for openness with the responding office in every FOIA request.

In order to fully automate the FOIA program and cut down on processing time for FOIA requests, USTR recently subscribed to the "Software as a Service (SaaS) Public Records Tracker. Two FOIA staff members have attended a web training session for the program. In addition, all outstanding FOIAs will be entered into the tracking system of the Executive Secretary of the Agency beginning in April 2010. By circulated weekly to the Senior Staff, this electronic system ensures that FOIAs are given the highest visibility within the Agency and that follow-up on late FOIAs takes place in a timely fashion. The adoption of these two systems will enhance USTR's ability to establish and monitor metrics regarding timely processing.

USTR is pledged to reduce its backlog by 10 percent a year, as called for by this Administration, which will bring its backlog to 17. USTR will monitor this goal on a monthly basis to ensure that it is met in FY 2010. In 2008, USTR undertook a three year backlog reduction plan which is available here. The Obama Administration's goal exceeds this earlier benchmark.
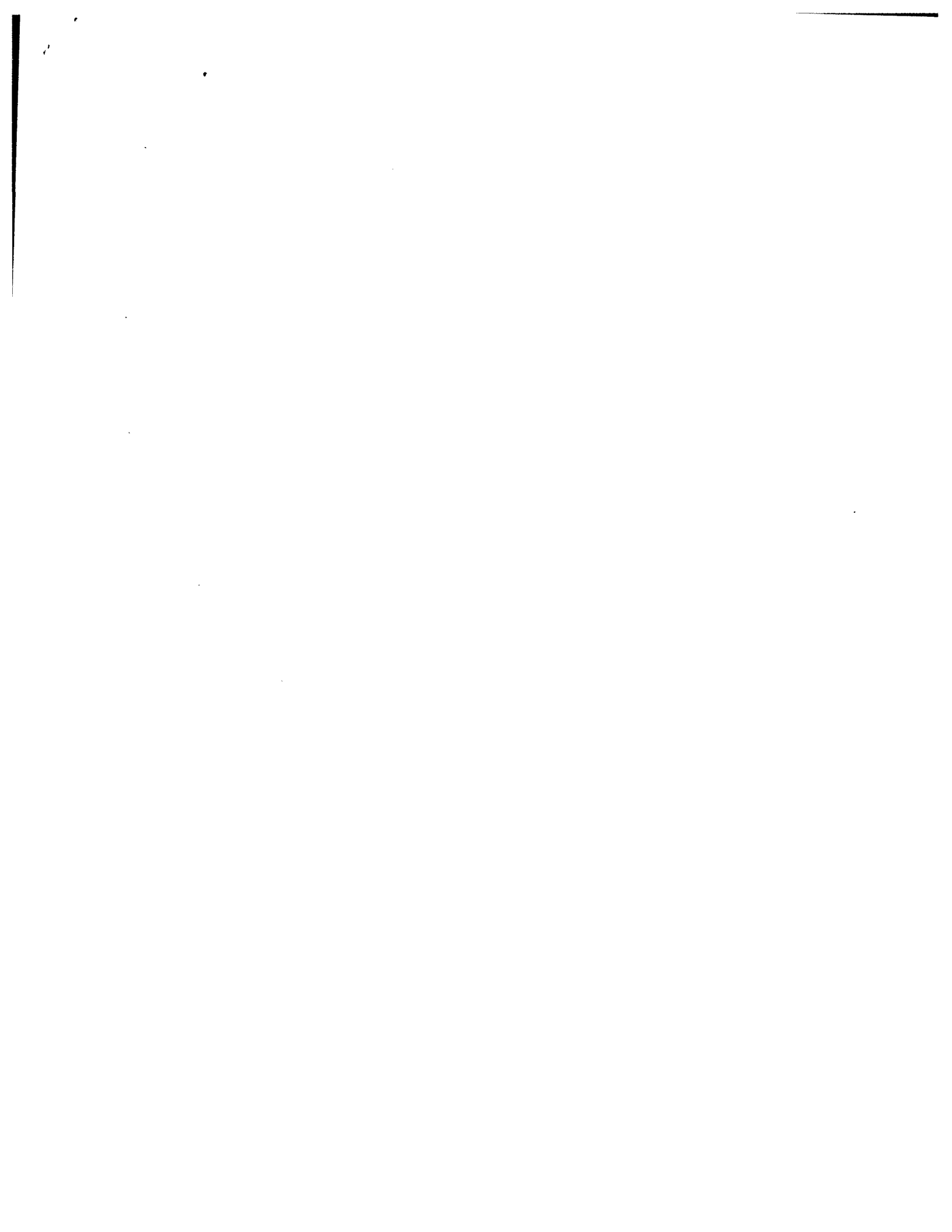
Most Commonly Used Exemptions

- Exemption 1
    - Classified info
    - FGI

- Exemption 4
    - Trade Secrets
    - Commercial or Financial Information
    - Business confidential
    - Interrelation with the Trade Secrets Act

- Exemption 5
    - Deliberative Process Privilege
    - Attorney Work-Product Privilege
    - Attorney-Client Privilege

- Exemption 6
    - Threshold: Personnel, Medical, and Similar Files
    - Privacy Interest
    - Names & Addresses

FOIA TRAINING 9 June 2010

Carmen Suro-Bredie
Don Eiss
Tom Horrigan
Fred Ames
Michelle Secrist
Diane Jenkins Lynettle Johnson
Mark Nelson
Seth Vaughn
Betsy Hafner
Danielle Oster
John Melle
Su-Jin Yoo
Scott Pietan
Jerry Duran
Tameka Cooper
Christopher Yinug
Eric Altbach
Tim Wineland
Mary Thornton
Leigh Bacon
Ed Brzytwa
Lorraine Green
Amy Burke
Carlos Romero
John Todor
Jacqui Caldwell
Jonathan Weinberger
Ann Main

FOIA TRAINING 14 June 2010

Jonathan Weinberger
Jean Grier
Sonia Franceski
Mara Burr
Julia Doherty
Holly Williams
Richard Chriss
Christina Sevilla
Bryant Trick
Michael Beeman
Daniel Lee
Nate Hanson
Fran Huegel
Gwendolyn Diggs
Iris Mayfield
Jarrod Bailey
Vanessa Yorke
Caitlin Elledge
Carlos Quintana
Bennett Harman
Martez Higgins
Leigh Turpin
Kent Shigetomi
Leslie Yang
Lois Stith
Jason Buntin
Paul Burkhead
Gloria Blue
Linda Howard
Colleen Abate
Ken Washington
Eric Holloway
Shelia Givens
Rosa Waddy

FOIA TRAINING 15 June 2010

Jonathan Weinberger
Michael Delaney
Ron Baumgarten
Probir Mehta
Steve Fabry
Mitch Ginsburg
Matt Lawrence
Sandy McKinzy
Kirk Franklin
Dawn Shackleford
Ari Leifman
Todd Nissen
Bill Shpiece
Earl Gladney
Ann Jenkins

FOIA TRAINING 16 JUNE 2010

Wendy Cutler
Barbara Norton
Barbara Chattin
Jim Murphy
Ann Heilman-Dahl
Shuba Sastry
Cletus Williams
Bill Busis
Thomas Fine
Claudio Lilienfeld
Susan Buck
Charlotte Brown
Claire Reade
Holly Smith
Deborah Tidwell
Joel LeBeau
Courtney Smothers
Mary Sullivan
Jared Ragland
Taiwo Erskine
Valerie Bowman
David Oliver
Joseph Laroski
JoAnne Allen
Brian Cochran
Terry McCartin
Katherine Tai

FOIA TRAINING 17 JUNE 2010

Nicole Curtis
Sarah Williams
Bill Jackson
Connie Hamilton
Adam Teslik
Erin McConahan
David Teslicke
Melissa Agusin
J. Daniel Stirk
Patrick coleman
Dan Brinza
Mark Mowrey
Ron Nerida
Chris Melly
Ken Freiberg
Florie Liser
Will Martyn
Lewis Karesh
Barbara Weisel
Dan Hunter
Laura Buffo
Daniel Watson
Caroyl Miller
Everett Eissenstat
Melissa Brown
Sushan Demirjian
Jonathan McHale
Miriam Sapiro
Daniel Bahar
Christine Bliss
Mary Ryckman
Rhonda Lindsay
Margaret Sahagian
Courtenay Rodonets
Justin Halpern
Anita Kyler
Yatrik Desai
Kendall Sneed
Calvin Jackson
Drauthon Antoine

FOIA TRAINING 8 JULY 2010

Fay Johnson
Lauri-Ann Agama
Michelle Carillo
Elena Bryan
Karl Ehlers
Randy Miller
Suzanne Garner
Alexis Beveridge
Stephanie Murphy
Bradford Ward
Bruce Hirsh
Andrea Malito
Kimberley Claman
Josh Kallmer
Catherine Field
Maria Pagan
Rhonda Davis
Chris Wilson
Betsy Stillman
Leslie Shockley
Kelly Milton
Jean Kemp
Sloane Strickler
Eleanor Shea
David Bisbee
Jason Bernstein
Michael Feldman
Roy Malmrose
Fred Fischer
Elissa Alben
Audrey Winter