

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

April 20, 2011

Mr. James Love
Knowledge Ecology International
1621 Connecticut Ave., Suite 500
Washington, DC 20009

Dear Mr. Love:

This letter is the response of the Freedom of Information Act (“FOIA”) Appeals Committee of the Office of the United States Trade Representative (“USTR”) (“Committee”) to your appeal dated March 23, 2011, from USTR’s response to your FOIA request for documents (Case File #10101455).

In your appeal, you have requested that the Committee reconsider USTR’s February 25, 2011 denial of your request for a “fairly recent study [on the Anti-Counterfeiting Trade Agreement] by the Library of Congress, done upon request for Senator Wyden.” You have requested reconsideration of USTR’s determination that the study is not an agency record subject to the FOIA and stated your belief that “no evidence exists that Senator Wyden’s office put any conditions or limitations on USTR’s use of the report.”

The Committee undertook a comprehensive review of the circumstances of the creation of the document at issue and the conditions under which it was sent to USTR, including through statements provided by members of USTR’s Office of Congressional Affairs and Office of Intellectual Property and Innovation. The Committee concludes that Congress intended to retain control over this document and that it is not an agency record subject to the FOIA.

In the event you are dissatisfied with the result of this appeal, you may seek judicial review in the United States District Court for the judicial district in which you are located or have your principal place of business, or in the District of Columbia, as provided in 5 U.S.C. § 552(a)(4)(B).

Sincerely,


Fred Ames, Chair

Freedom of Information Act Appeals Committee