

COMMITTEE ON NATURAL RESOURCES
113th Congress Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and
the Rules of the Committee on Natural Resources

10/10/13 Legislative Hearing on
H.R. 3176, To reauthorize the Reclamation States Emergency Drought Relief Act of 1991, and for other
purposes

For Individuals:

1. Name:

2. Address:

3. Email Address:

4. Phone Number:

* * * * *

For Witnesses Representing Organizations:

1. Name:
Clyde Wayne Crews Jr. (Wayne)

2. Name of Organization(s) You are Representing at the Hearing: **Competitive Enterprise Institute**

3. Business Address:
[Information redacted for privacy]

4. Business Email Address:
5. [Information redacted for privacy]

5. Business Phone Number: **[Information redacted for privacy]**

For all Witnesses

Name/Organization _____

Title/Date of Hearing _____

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

**Graduate Studies in economics, George Mason University
MBA, College of William and Mary
B.S., Lander College, Greenwood, S.C.**

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

[covered in bio attached at end]

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

[covered in bio attached at end]

d. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and/or other agencies invited)* that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

No

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

None by me personally; see “j” below regarding CEI

f. A list of all federal lawsuits filed against you by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

g. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

Witnesses Representing Organizations

Name/Organization _____

Title/Date of Hearing _____

h. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

I am vp for policy and director of tech policy studies at CEI

i. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and /or other agencies invited)* that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

No

j. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

1. CEI v. National Aeronautic & Space Administration, Civil Action No. 10-883 (RWR) (D.D.C.) (lawsuit filed, May 27, 2010).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request. Statute under which lawsuit was filed: 5 U.S.C. § 552.

2. CEI, FreedomWorks, and Science and Environmental Policy Project v. EPA, D.C. Circuit Court of Appeals Docket No. 10-1318 (petition for review filed, 10/8/2010; pending for certiorari currently pending with U.S. Supreme Court).

Subject matter of lawsuit: Validity of EPA's Endangerment Ruling and related issues. Statute under which lawsuit was filed: Clean Air Act, 42 U.S.C. § 7401 et seq.

3. State National Bank of Big Spring et al. v. Geithner; the 60 Plus Association, Inc.; and the CEI, et al. v. Timothy Geithner, in his official capacity as Treasury Secretary; U.S. Department of the Treasury; Richard Cordray, in his official capacity as Director of the Consumer Financial Protection Bureau; Consumer Financial Protection Bureau; and Benjamin Bernanke, in his official capacity as Chairman of the Board of Governors of the Federal Reserve System; Martin Gruenberg, in his official capacity as Acting Chairman of the FDIC; Thomas Curry, in his official capacity as Comptroller of the Currency; Mary Schapiro, in her official capacity as Chairman of the Securities and Exchange Commission; Gary Gensler, in his official capacity as Chairman of the Commodities Futures Trading Commission; Debbie Matz, in her official capacity as Chairman of the National Credit Union Administration Board; and S. Roy Woodall in his official capacity as Member of the Financial Stability Oversight Council, Civil Action No. 12-1032 (ESH) (D.D.C.) (lawsuit filed, June 21, 2012).

Subject matter of lawsuit: Dodd-Frank Act's failure to comply with Constitutional separation of powers; and invalid appointment of director of Consumer Financial Protection Bureau contrary to Article II, Section 2, clauses 2 & 3 of the Constitution. Statutory and constitutional provisions under which lawsuit was filed: 28 U.S.C. §§ 1331 and 2201; U.S. Constitution, Articles II and III.

4. CEI v. EPA, Civil Action No. 12-1497 (ESH) (D.D.C.) (lawsuit filed 9/11/2012).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552

5. CEI v. EPA, Civil Action No. 12-1617 (JEB) (D.D.C.) (lawsuit filed 9/28/2012).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

6. CEI v. EPA, Civil Action No. 13-434 (RJL) (D.D.C.) (lawsuit filed 4/4/2013).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

7. CEI v. EPA, Civil Action No. 13-627 (KBJ) (D.D.C.) (lawsuit filed 5/2/2013).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

8. CEI v. U.S. Department of the Treasury, Civil Action No. 12-1838 (RMC) (D.D.C.) (lawsuit filed, 11/28/2012).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

9. CEI and American Tradition Institute v. EPA, Civil Action No. 13-406 (KBJ) (D.D.C.) (lawsuit filed, 3/28/2013, dismissed, 4/24/2013).

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

10. CEI v. National Oceanic & Atmospheric Administration, Civil Action No. 12-1466 (CKK) (D.D.C.) (lawsuit filed, 9/5/2012, dismissed, 10/9/2012)

Subject matter of lawsuit: Agency's refusal to comply with Freedom of Information Act request.

Statute under which lawsuit was filed: 5 U.S.C. § 552.

11. Information Quality Act Request to EPA for Correction Regarding Impacts of Biofuel Mandates on Global Hunger and Mortality, RFC 12001 (petition filed Oct. 13, 2011) (available at <http://cei.org/coalition-letters/epa-filing-actionaid-usa-cei-targets-ethanol-fuel-programs>).

Subject matter of petition: Agency's failure to comply with Information Quality Act. Statute under which petition was filed: Section 515(a) of the Treasury and General Government Appropriations Act for Fiscal Year 2001, P.L. 106-554; 44 U.S.C. § 3516 (notes).

k. A list of all federal lawsuits filed against the organization(s) you represent at the hearing by the federal government in the current year and the previous four years, giving the name of the lawsuit, the subject matter of the lawsuit, and the federal statutes under which the lawsuits were filed.

None

l. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

Wayne Crews Bio and Selected Writings

Wayne Crews is vice president for policy and director of technology studies at the Competitive Enterprise Institute and a former Cato Institute scholar. A one-time Libertarian candidate for South Carolina state senate, he is widely published, a [contributor to Forbes.com](#), and author of the annual *Ten Thousand Commandments*, which the *Wall Street Journal* called "[the best measure of the overall regulatory burden](#)." Wayne also compiles the *Tip of the Costberg* report on the expansion of government.

A frequent speaker on a range of policy issues, Wayne has appeared at venues ranging from the [DVD Awards Showcase](#) in Hollywood to the [National Academies](#) and the [Future of Music Policy Summit](#). He has testified before congressional committees on various policy issues as well as spoken at [European Commission](#)-sponsored conferences and at the [Spanish Ministry of Justice](#).

While not a lawyer, Wayne is [cited in dozens of law reviews, journals and books](#). A dad of four, he [can still do a handstand on a skateboard](#) and enjoys [custom motorcycles](#), the beach and the Crews family farm.

Wayne is co-editor of the books *Who Rules the Net?: Internet Governance and Jurisdiction*, and *Copy Fights: The Future of Intellectual Property In the Information Age*. He is co-author of *What's Yours Is Mine: Open Access and the Rise of Infrastructure Socialism*, and a contributing author to other books.

He has made various TV appearances on Fox, CNN, ABC, CNBC and the Lehrer NewsHour, and his reform ideas have been profiled and editorialized in such publications as the *Washington Post*, *Forbes.com* and *Investor's Business Daily*.

Wayne created CEI's *spin* tech newsletter series, and co-created CEI's *OnPoint* policy series and the Cato Institute's *TechKnowledge* newsletter in 2001 (the first issue of which presented "[The Libertarian Vision for Telecom and High-Technology](#)" with Adam Thierer, which helped inspire the [Declaration of Internet Freedom](#) of 2012). He [coined the term "Splinternet"](#) in *Forbes* in 2001 to underscore alternatives to government over-regulation of the online communications and experiences.

Here are (out of date) links to some of Wayne's CEI [articles](#), [studies](#), congressional testimonies and citations.

Books & Chapters

[The Revolution Spins toward More Regulation](#), in *The Republican Revolution: Ten Years Later* (2005).

Who Rules the Net?, edited by Adam Thierer and Clyde Wayne Crews Jr. (2003).

[What's Yours Is Mine: Open Access and the Rise of Infrastructure Socialism](#), by Adam Thierer and Clyde Wayne Crews Jr. (2003).

The Half-Life of Policy Rationales: How New Technology Affects Old Policy Issues, contributor (2002)

Copy Fights: The Future of Intellectual Property Rights in the Information Age, coeditor (2002)

[Intellectual Property](#), Chapter 40 of the *Cato Handbook for Congress*, 108th Congress.

Congressional Testimony and Other Filings

[Testimony before the Subcommittee on Water and Power, U.S. House of Representatives, Legislative Hearing on the Reauthorization of Water Desalination Act of 2011, April 17, 2012.](#)

[Testimony in Roundtable, Senate Committee on Small Business and Entrepreneurship: "Developing and Strengthening High-Growth Entrepreneurship." Feb. 2, 2012.](#)

[Testimony to the Federal Communications Commission on The Future of Media and Information Needs of Communities In a Digital Age](#) (GN Docket No. 10-25), Competitive Enterprise Institute. May 7, 2010.

[Testimony Before the Committee on Science and Technology, U.S. House of Representatives, The Future of Manufacturing: What is the Role of the Federal Government in Supporting Innovation by U.S. Manufacturers?](#) March 17, 2010.

[Comment to the FCC on Preserving the Open Internet and Broadband Industry Practices](#), January 14, 2010.

[Testimony before the Senate Commerce Committee on the Privacy Implications of Online Advertising](#), July 9, 2008.

[Testimony to FCC on Open Internet Practices \[Net Neutrality\]](#), 2007

[The Antitrust Modernization Commission: Proposed Issues for Reform](#), Comment by the Competitive Enterprise Institute, Submitted to the Antitrust Modernization Commission, September 30, 2004.

["Spam and its Effects on Small Business,"](#) Congressional Testimony before the Subcommittee on Regulatory Reform and Oversight of the Committee on Small, October 30, 2003.

["Unsolicited Commercial Electronic Mail Regulation,"](#) Congressional Testimony before the House Judiciary Committee, May 10, 2001.

[Rethinking Electricity Deregulation: Does Open Access Have It Wired -- Or Tangled?](#) Testimony of Clyde Wayne Crews Jr., Before the Subcommittee on Water and Power Resources, Committee on Resources, U.S. House of Representatives, 1334 Longworth House Office Building July 24, 1999.

[The Regulatory Right-to-Know Act: Making Regulatory Disclosure Work: Testimony Before the Subcommittee on National Economic Growth, Natural Resources & Regulatory Affairs, Committee on Government Reform](#), U.S. House of Representatives, March 24, 1999.

[Comment On the Agreement Between Internet Corporation for Assigned Names and Numbers and Network Solutions](#), by Clyde Wayne Crews Jr., Director of Competition and Regulation Policy, November 28, 1999.

[Comments on the Draft Report to Congress on the Costs and Benefits of Federal Regulations](#), to the Office of Information and Regulatory Affairs, Office of Management and Budget, Submitted by Wayne Crews, September 1, 1997.

[Testimony of Clyde Wayne Crews Jr. Before the Subcommittee on Water and Power Resources, Committee on Resources, U.S. House of Representatives.](#) Privatization of the Power Marketing Administrations. May 18, 1995.

Comments of the Competitive Enterprise Institute In the matter of: [Recovery of Stranded Costs by Public Utilities and Transmitting Utilities](#). (Docket No. RM94-7-001.) Delivered by Wayne Crews, August 4, 1995.

Journal/Policy Articles

Libertarianism and Government

Ten Thousand Commandments: An Annual Snapshot of the Regulatory State

- [Web page](#)
- [Annual Editions](#)

[The Other National Debt Crisis: How and Why Congress Must Quantify Federal Regulation](#), October 2011.

[Still Stimulating Like It's 1999: Time to Rethink Bipartisan Collusion on Economic Stimulus Packages](#). February 2008.

[This Liberal Congress Went to Market? a Bipartisan Policy Agenda for the 110th Congress](#), 2007, 2009, 2011, 2013. (Contributor and editor)

[Antitrust: Sherman's March Across the Globe](#), *EU Reporter*, September 13-17, 2004, p. 3.

"[A Defense of Media Monopoly](#)," *Communications Lawyer*, vol. 23, no. 3, Fall 2003.

Promise and Peril of a Regulatory Budget, *Policy Sciences [Journal], Issue Analysis*

Jump, Jive an' Reform Regulation

[Antitrust Policy as Corporate Welfare](#), CEI Antitrust Reform Project, ISSN# 1085-9049, July 1997.

Privacy, Civil Liberties and Cybersecurity

[Giving Chase in Cyberspace](#), Does Vigilantism Against Hackers and File-sharers Make Sense?" *On Point*, No. 109, October 24, 2006

[Preventing Identity Theft and Data Security Breaches: The Problem With Regulation](#), *Issue Analysis*, May 9, 2006

[Communications without Commissions](#): *Issue Analysis*, October 18, 2005

[Cybersecurity Finger-pointing: Regulation vs. Markets for Software Liability, Information Security, and Insurance](#), by Clyde Wayne Crews, Jr. *Issue Analysis*, May 31, 2005

[Cybersecurity and Authentication: The Marketplace Role in Rethinking Anonymity — Before Regulators Intervene](#), *Issue Analysis*, November 8, 2004, [**Journal version**]

"[Birth of the Digital New Deal: An Inventory of High-Tech Pork-Barrel Spending](#)," by Adam D. Thierer, Clyde Wayne Crews Jr. and Thomas Pearson, *Policy Analysis* no. 457, October 28, 2002.

"[Human Bar Code: Monitoring Biometric Technologies in a Free Society](#)," *Policy Analysis* no. 452, September 17, 2002.

"[The Digital Dirty Dozen: The Most Destructive High-Tech Legislative Measures of the 107th Congress](#)," by Clyde Wayne Crews Jr. and Adam D. Thierer, *Policy Analysis* no. 423, February 4, 2002.

"[Why Canning "Spam" Is a Bad Idea](#)," *Policy Analysis* no. 408, July 26, 2001.

"[The Antitrust Terrible 10: Why the Most Reviled "Anti-competitive" Business Practices Can Benefit Consumers in the New Economy](#)," *Policy Analysis* no. 405, June 28, 2001.

"[Electric Avenues: Why "Open Access" Can't Compete](#)," *Policy Analysis* no. 301, April 13, 1998.

Competitive Power Journal

Electricity Journal [2 articles]