May 2, 2013

Sent via email: DCMA.FOIA@dcma.mil

Defense Contract Management Agency
ATTN: FOIA Office
Building 10500
3901 A Avenue
Fort Lee, VA 23801

Re: Freedom of Information Act Request

Dear FOIA Officer:

I am making this request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. Please provide me the following records in electronic form from January 1, 2003 to the present:

1. All Corrective Action Requests, Levels I – IV, issued to contractors involving trafficking in persons in the United States or abroad, as described or defined by statute, regulation or other guidance, including but not limited to Executive Order (EO) 13627, Title XVII of the National Defense Authorization Act, Public Law 112–239, 18 U.S.C. §§ 1581-97, and The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) and all subsequent reauthorizations.

2. Any correspondence, responses, or other records from contractors to the DoD in reference to a Corrective Action Request issued involving trafficking in persons in the United States or abroad, as described or defined by statute, regulation or other guidance, including but not limited to Executive Order (EO) 13627, Title XVII of the National Defense Authorization Act, Public Law 112–239, 18 U.S.C. §§ 1581-97, and The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) and all subsequent reauthorizations.

3. All cure notices issued to contractors involving trafficking in persons in the United States or abroad, as described or defined by statute, regulation or other guidance, including but not limited to Executive Order (EO) 13627, Title XVII of the National Defense Authorization Act, Public Law 112–239, 18 U.S.C. §§ 1581-97, and The Victims of Trafficking and Violence Protection Act of 2000 (P.L. 106-386) and all subsequent reauthorizations.

4. All correspondence, responses, or other records from contractors to the DoD in reference to a cure notice issued involving trafficking in persons in the United States or abroad, as described or defined by statute, regulation or other guidance, including but not limited to Executive Order (EO) 13627, Title XVII of the National Defense Authorization Act, Public Law 112–239, 18 U.S.C. §§ 1581-97, and The Victims of Trafficking and
Violence Protection Act of 2000 (P.L. 106-386) and all subsequent reauthorizations.

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. §552(a)(4)(A)(iii). Disclosure of the requested information will further 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 requester, the Project On Government Oversight (POGO). Specifically, POGO will use the information requested to inform the public about the operations or activities of the government to fight trafficking in persons.

This letter provides a detailed account of POGO’s planned use of the requested information and responds to DoD’s fee waiver criteria. Specifically, POGO would like to demonstrate that disclosure of the requested information is in the public interest because it is likely to contribute significantly to a broad public understanding of the operations and activities of the government, that the requested material is not primarily in POGO’s commercial interest, and that the requested information will be provided and distributed to the public.

In essence, DoD’s regulations provide that records responsive to a request will be furnished without charge or at a charge reduced below that established under paragraph (a) of this section where a component determines, based on all available information, that the requester has demonstrated that:

(1) Disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and

(2) It is not primarily in the commercial interest of the requester.

I have included this FOIA Fee Waiver Supplement to provide a detailed account of POGO’s planned use of the requested information and to fully respond to DoD’s fee waiver criteria listed at 32 C.F.R. § 286.28(d).

1. The subject of the request: Whether the subject of the requested records concerns “the operations or activities of the government.”

POGO hopes that the information received pertaining to corrective action letters issued by DoD to contractors referencing trafficking in persons will highlight ways that the government can better enforce current anti-trafficking in persons provisions in the federal acquisition regulations. POGO’s goal is to enhance notice provisions, contractor anti-trafficking programs, contractor and victim cooperation with federal investigations, and enforcement to ensure that the government’s zero tolerance policy is a reality in the U.S. and abroad. POGO is also focused on increasing the public understanding of the operations or activities of the government to fight trafficking in persons.

2. The informative value of the information to be disclosed: Whether the disclosure is “likely to contribute” to an understanding of government operations or activities.
POGO provides a valuable public service by taking an independent look at how the government spends taxpayer dollars and what can be done to make the system more effective, efficient, accountable, and honest. POGO will likely release a publication on contract oversight regarding trafficking in persons violations. All POGO publications include government reports, documents, and other resources to allow the public to better understand how the federal government operates.

POGO has established a niche in informing the general public, either through its own publications and web site or through media outlets, about the issue of contractors and human trafficking. POGO has offered testimony and public comments on this issue, frequently urging Congress and various agencies to tighten trafficking in persons regulations and increase enforcement in this area.

3. The contribution to an understanding by the general public of the subject likely to result from the disclosure, taking into account your ability and intent to disseminate the information to the public in a form that can further understanding of the subject matter.

POGO investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to thousands of concerned citizens, policymakers, and the media via email, direct mail, and its web site http://www.pogo.org, the organization’s primary vehicle for disseminating information to concerned citizens and other targeted constituencies. The site receives approximately one million hits and 100,000 unique visitors monthly. And, the “POGO Blog” has developed its own readership, averaging roughly 20,000 visitors monthly, allowing us to reach new readers in the blogosphere. The information provided by DoD will be used for the following activities: publication by email, on our website, in reports, and newsletters issued by POGO and disseminated to POGO supporters, the public, the media, nonprofit organizations, Congress, Executive Branch officials, and other policymakers.

4. The significance of the contribution to public understanding: Whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities.

POGO concludes that the requested information will be of interest to the general public, with particular interest for those citizens who live near nuclear weapons facilities. POGO does not charge for access to its web site, reports, newsletters, or other publications. Additionally, POGO does not have a financial or commercial interest in the report sought by the attached FOIA request.

If this request is denied, in full or in part, please cite the exemptions pursuant to 5 U.S.C. § 552(b) that justify the denial. If an exemption applies, however, please consider exercising the
agency’s discretionary release powers to disclose the information. Additionally, please release all reasonably segregable portions of that information that do not meet an exemption.

I look forward to your response within 20 days of the receipt of this request, unless, in the case of “unusual circumstances,” the time limitation is “extended by written notice.” I am aware that I have a right to appeal this request if it is wholly or partially denied or if the agency fails to respond within 20 days. I am aware that, if successful, a federal district court may assess “reasonable attorney fees and other litigation costs” pursuant to 5 U.S.C. § 552(a)(4)(E).

Please contact me if this request requires further clarification. I can be reached at 202-347-1122, or via e-mail scott@pogo.org. Thank you for your prompt attention to this matter.

Sincerely,

Scott H. Amey
General Counsel