



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

8 September 2015

88 CS/SCOKIF
3810 Communications Blvd
Wright-Patterson AFB OH 45433-5767

PUBLIC.RESOURCE.ORG
Attn: Mr Carl Malamud
1005 Gravenstein Highway North
Sebastopol CA 95472

Dear Mr. Malamud

This is in response to your 22 July 2015 Freedom of Information Act (FOIA) request for Information regarding Dr. Kropas-Hughes' involvement in nonprofit organizations. Your request was amended on 3 August 2015. The FOIA control number assigned to your request is 2015-05091-F-ST3.

A thorough search for any segregable, releasable information in existence and relevant to your request was conducted. The records you have requested, however, are partially exempt under FOIA Exemption 6. Information such as names, signatures, and contact information has been withheld under this exemption. Exemption 6 permits the government to withhold all information about individuals when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." The authority for this exemption is found at 5 U.S.C. Section 552 (b)(6).

If you decide to appeal this decision, you must write to the Secretary of the Air Force within 60 calendar days from the date of this letter. Include in the appeal your reasons for reconsideration and attach a copy of this letter. Address your letter as follows:

Secretary of the Air Force
THRU: 88 CG/SCOKIF (FOIA)
3810 Communications Blvd
Wright-Patterson AFB OH 45433-5706

Sincerely,


SHEREE M. COON
Chief, Knowledge Ops
88th Communications Squadron

Attachments
FOIA Request
Releasable Responsive Records

Tab 5 – Releasable Records

APPLICATION AND APPROVAL FOR OFF-DUTY EMPLOYMENT

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 974; 10 U.S.C. 8013; Executive Order 9397; DoD 5500.7-R, Sections 2-206 and 2-303.
PRINCIPAL PURPOSE(S): Provide information for commanders to evaluate proposed off-duty employment, grant approval, and determine impact on duty performance.
ROUTINE USE(S): Records may be disclosed for any of the blanket routine uses published by the Air Force.
DISCLOSURE: Disclosure of SSN is voluntary. Failure to provide the information could result in disapproval of request for off-duty employment.

SECTION I APPLICANT DATA AND CERTIFICATION *(Completed by Applicant)*

1. LAST NAME, FIRST NAME, MIDDLE INITIAL Kropas-Hughes, Claudia V		2. GRADE (b) (6)	3. SSN (b) (6)	4. AFSC
5. ORGANIZATION OFFICE SYMBOL ADDRESS AFLCMC/XZI 2530 C Street (B7, Rm 208), WPAFB, OH 45433		6. DUTY PHONE (b) (6)	7. DUTY TITLE Program Manager	
8a. NAME OF EMPLOYER ASTM - American Society for Testing and Materials			8b. BUSINESS ADDRESS 100 Barr Harbor Dr W Conshohocken, PA	
8c. IS EMPLOYER A DEPARTMENT OF DEFENSE CONTRACTOR? <input type="checkbox"/> (1) YES <input checked="" type="checkbox"/> (2) NO <input type="checkbox"/> (3) DON'T KNOW		8d. PHONE NUMBER		
9. TITLE OF POSITION OF OFF-DUTY EMPLOYMENT Board of Director		10. OFF-DUTY PERIODS OF EMPLOYMENT <i>(Days per week; hours per day)</i> 1 Jan 14 to 31 Dec 16; LV to be taken: 4 days Apr, 5 days Oct		
11. JOB DESCRIPTION <i>(Continue on reverse side)</i> Attend Board meetings and provide advice and counsel on		12. NORMAL PERIODS OF MILITARY DUTY <i>(Days per week; hours per day)</i>		

I certify that I understand the applicable provisions of the Joint Ethics Regulation (DoD 5500.7-R). I further certify that the off-duty employment for which I am applying *(Mark applicable block)*: *(Note: explain in detail on the reverse of this form any answer that results in checking a box "will." Checking a box "will" does not automatically result in disapproval, but does require an explanation).*

WILL	WILL NOT	
a.	b.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13. Bring discredit upon the Air Force, Department of Defense or U.S. Government.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14. Interfere with or be incompatible with my government duties.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. Interfere with the customary or regular employment of local civilians. <i>(Enlisted members only)</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16. Require absences during normal military duty hours.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	17. Involve any expense to the Air Force or use of government facilities, property or manpower.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18. Endanger my safety or health.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	19. Involve the use of my military title or representation before any federal agency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	20. Involve employment with an organization now involved in a strike.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	21. Place me in a position that might be incompatible with my rank, position or assignment.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22. Require action at any time as a sales agent for the purpose of personal commercial solicitation of military personnel junior in rank or grade.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23. Appear to involve a conflict of interest.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	24. Involve working for a firm or other entity that is engaged, or is endeavoring to engage, in business transactions of any sort with an agency of the Department of Defense.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25. Violate any U.S., state or local law; ordinance; or Air Force regulation or instruction.

26a. DATE SIGNED
20150622

26b. SIGNATURE OF APPLICANT
(b) (6)

SECTION II SUPERVISOR'S RECOMMENDATION

27. RECOMMEND APPROVAL. I HAVE PERSONALLY INTERVIEWED THE APPLICANT AND I HAVE NO OBJECTION TO THE REQUESTED OFF-DUTY EMPLOYMENT.

28. RECOMMEND DISAPPROVAL *(Explain)*.

29a. DATE SIGNED
22 JUN 15

29b. NAME AND GRADE OF SUPERVISOR
(b) (6)

29c. SIGNATURE
(b) (6)

SECTION III JUDGE ADVOCATE RECOMMENDATION

30. APPROVAL

31. DISAPPROVAL

32. REMARKS *(Continue on reverse side)*
See legal memorandum

33a. DATE SIGNED
29 JUNE 15

33b. NAME AND GRADE
(b) (6)

33c. SIGNATURE
(b) (6)

SECTION IV APPROVING AUTHORITY ACTION *(Completed by Unit Commander or Delegatee)*

34. APPROVED

35. DISAPPROVED

36. REMARKS *(Continue on reverse side)*

37a. DATE SIGNED
1 Jul 15

37b. NAME, GRADE AND TITLE
(b) (6)

37c. SIGNATURE
(b) (6)

Continuation from Block 11 Job Description:
strategic vision and decisions for ASTM.

Continuation from Block 10:
AFIMT3902 submitted July 23, 2013 and approved August 13, 2013. This is re-submitted due to position re-assignment.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 88TH AIR BASE WING
WRIGHT-PATTERSON AIR FORCE BASE OHIO

29 June 2015

MEMORANDUM FOR AFLCMC/XZ

FROM: 88 ABW/JA (b) (6)

SUBJECT: Off-Duty Employment Request – Ms. Claudia V. Kropas-Hughes, AFLCMC/XZI

1. I have reviewed Ms. Kropas-Hughes's request to engage in off-duty employment, and I find it legally sufficient.

2. **FACTS:** The request states Ms. Kropas-Hughes, a Program Manager with AFLCMC, will serve as a Member on the Board of International Directors for the American Society for Testing and Materials (ASTM). Her term will expire in 2016. Duties include attending board meetings and providing advice and counsel on strategic vision and decisions for ATSM. According to the request, off-duty periods of employment would include approximately 4 to 5 days at a time for board meetings for which she will take official leave.

3. **LAW:** According to the Joint Ethics Regulation (JER), DoD 5500.07-R, para. 8-500, instructs that off-duty employment by DoD employees shall not: affect the performance of official duties, involve communication of inside information to the prospective employer, or involve any activity that would affect the public's confidence in the integrity of the Federal Government. Further, the following statutes and regulations also apply:

a. AFMCI 51-201, *Off-Duty Employment* (15 Dec 04), off-duty employment may be approved as long as it does not: (1) violate statute or regulation, (2) detract from readiness, or (3) pose a security risk.

b. 5 C.F.R. § 2635.802 prohibits off-duty employment from presenting a conflict of interest with official duties. An activity conflicts with an employee's official duties: (a) if it is prohibited by statute or by an agency regulation; or (b) if, under the standards set forth in §§2635.402 and 2635.502, it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired. IAW §2635.402, "an employee is prohibited by criminal statute, 18 U.S.C. § 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest." IAW § 2635.502, "[w]here an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household...and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should

not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee....”

c. 18 U.S.C. §§ 203 and 205 prohibit Federal personnel from acting as an agent for, or representing, a non-Federal entity before Federal agencies or courts on particular matters in which the Government is a party or has a direct and substantial interest.

d. JER, DoD 5500.7-R, Para. 3-301, states “DoD employees may become members and may participate in the management of non-Federal entities as individuals in a personal capacity provided they act exclusively outside the scope of their official position.” Further, this provision states “a DoD employee may not serve in a personal capacity as ... a member of the Board of Directors...in any non-Federal entity offered because of their DoD assignment or position.”

e. JER, Para. 3-302, states “DoD employees are generally prohibited from engaging in any official activities in which a non-Federal entity is a party or has a financial interest if the DoD employee is an active participant in the non-Federal entity or has been an officer in the non-Federal entity within the last year.”

4. **ANALYSIS:** Ms. Kropas-Hughes’s request is legally sufficient. However, she must abide by the following conditions: 1) she may not work on any matter for ASTM that involves the DoD or involves one of the contractors with which she has worked in her federal capacity, 2) she may not represent ASTM in any matter in which the U.S. government is a party or in which it has a “substantial interest,” 3) she may not continue serving on the board if she was offered the position due to her Air Force position, 4) she must ensure that her ASTM participation resides outside the scope of her official position, and 5) she must also ensure that she does not engage in any official activity within her current position to which ASTM has a financial interest or is a party to that activity. Provided the above conditions are met, the proposed off-duty employment is permissible.

In addition, her supervisor has concluded that the proposed off-duty work hours will likely not interfere with any government duties as she is expected to take leave for her off-duty periods of employment. Approval of this request is not intended to relieve Ms. Kropas-Hughes of any future overtime, TDY or shift assignments that may conflict with the off-duty employment described above. If such conflicts occur, Ms. Kropas-Hughes is expected to give priority to his Air Force job requirements.

5. **CONCLUSION:** The off-duty employment is legally sufficient and I recommend approval of the request by the unit commander or appropriate authority, as delegated.

(b) (6)

Assistant Staff Judge Advocate

APPLICATION AND APPROVAL FOR OFF-DUTY EMPLOYMENT

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 974; 10 U.S.C. 8013; Executive Order 9397; DoD 5500.7-R, Sections 2-206 and 2-303.
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ROUTINE USE(S): Records may be disclosed for any of the blanket routine uses published by the Air Force.
DISCLOSURE: Disclosure of SSN is voluntary. Failure to provide the information could result in disapproval of request for off-duty employment.

SECTION I APPLICANT DATA AND CERTIFICATION (Completed by Applicant)

1. LAST NAME, FIRST NAME, MIDDLE INITIAL Kropas-Hughes, Claudia V		2. GRADE (b) (6)	3. SSN (b) (6)	4. AFSC
5. ORGANIZATION OFFICE SYMBOL ADDRESS AFLCMC/XZE 2530 C Street (B7, Rm 208), WPAFB, OH 45433		6. DUTY PHONE (b) (6)	7. DUTY TITLE AFLCMC/XZI Tech Advisor	
8a. NAME OF EMPLOYER ASTM - American Society for Testing and Materials			8b. BUSINESS ADDRESS 100 Barr Harbor Dr W Conshohocken, PA	
8c. IS EMPLOYER A DEPARTMENT OF DEFENSE CONTRACTOR? <input type="checkbox"/> (1) YES <input checked="" type="checkbox"/> (2) NO <input type="checkbox"/> (3) DONT KNOW		8d. PHONE NUMBER		
9. TITLE OF POSITION OF OFF-DUTY EMPLOYMENT Board of Director		10. OFF-DUTY PERIODS OF EMPLOYMENT (Days per week; hours per day) 1 Jan 14 to 31 Dec 16; LV to be taken: 4 days Apr, 5 days Oct		
11. JOB DESCRIPTION (Continue on reverse side) Attend Board meetings and provide advice and counsel on		12. NORMAL PERIODS OF MILITARY DUTY (Days per week; hours per day)		

I certify that I understand the applicable provisions of the Joint Ethics Regulation (DoD 5500.7-R). I further certify that the off-duty employment for which I am applying (Mark applicable block): (Note: explain in detail on the reverse of this form any answer that results in checking a box "will." Checking a box "will" does not automatically result in disapproval, but does require an explanation).

WILL	WILL NOT	
a.	b.	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	13. Bring discredit upon the Air Force, Department of Defense or U.S. Government.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	14. Interfere with or be incompatible with my government duties.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. Interfere with the customary or regular employment of local civilians. (Enlisted members only)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16. Require absences during normal military duty hours.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	17. Involve any expense to the Air Force or use of government facilities, property or manpower.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	18. Endanger my safety or health.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	19. Involve the use of my military title or representation before any federal agency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	20. Involve employment with an organization now involved in a strike
<input type="checkbox"/>	<input checked="" type="checkbox"/>	21. Place me in a position that might be incompatible with my rank, position or assignment.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22. Require action at any time as a sales agent for the purpose of personal commercial solicitation of military personnel junior in rank or grade.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23. Appear to involve a conflict of interest.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	24. Involve working for a firm or other entity that is engaged, or is endeavoring to engage, in business transactions of any sort with an agency of the Department of Defense.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25. Violate any U.S., state or local law, ordinance, or Air Force regulation or instruction.

26a. DATE SIGNED 20130723	26b. SIGNATURE OF APPLICANT (b) (6)
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SECTION II SUPERVISOR'S RECOMMENDATION

<input checked="" type="checkbox"/> 27. RECOMMEND APPROVAL. I HAVE PERSONALLY INTERVIEWED THE APPLICANT AND I HAVE NO OBJECTION TO THE REQUESTED OFF-DUTY EMPLOYMENT.	
<input type="checkbox"/> 28. RECOMMEND DISAPPROVAL (Explain). (b) (6)	
29a. DATE SIGNED 23 Jul 13	29b. NAME AND GRADE OF SUPERVISOR (b) (6)

SECTION III JUDGE ADVOCATE RECOMMENDATION

<input checked="" type="checkbox"/> 30. APPROVAL	32. REMARKS (Continue on reverse side) Please see attached memorandum for guidance and conditions	
<input type="checkbox"/> 31. DISAPPROVAL		
33a. DATE SIGNED 29 Jul 13	33b. (b) (6)	33c. SIGNATURE (b) (6)

SECTION IV APPROVING AUTHORITY ACTION (Completed by Unit Commander or Designate)

<input checked="" type="checkbox"/> 34. APPROVED		39. REMARKS (Continue on reverse side) SUBJECT TO CONDITIONS ON REVERSE
<input type="checkbox"/> 35. DISAPPROVED		
37a. DATE SIGNED 6 Aug 13	37b. (b) (6)	37c. (b) (6)

Job Description (cont)

strategic vision and decisions for ASTM.

CONTINUATION FROM BLOCK 36:

1. You are prohibited from representing non-Federal organizations before any Federal agency. Examples of prohibited representations include:
 1. Arguing or speaking to (in the sense of urging, advocating or intending to influence) a Federal employee for or against the taking of an action by the Federal agency (this applies whether at a meeting, in a phone conversation, in a personal conversation or by e-mail);
 2. Signing reports, letters, memoranda, applications, bids, proposals or other materials that are intended for submission to a Federal agency; and
 3. Signing agreements with a Federal agency.
2. Approval of this request does not relieve you of any future overtime, TDY or shift assignments that may conflict with the off-duty employment described in Block 11. If such conflicts occur, you are expected to give priority to your Air Force job requirements.

JA's WRITTEN GUIDANCE, REFERENCE BLOCK 32,
IS A SEPARATE MEMO BY (b) (6)
DTD 29 JUL 13.



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 88TH AIR BASE WING (AFMC)
WRIGHT-PATTERSON AIR FORCE BASE OHIO

29 July 13

MEMORANDUM FOR AFLCMC/XZ

FROM: 88 ABW/JAC

SUBJECT: Off-Duty Employment – Ms. Claudia V. Kropas-Hughes

1. Ms. Claudia V. Kropas-Hughes has applied for off-duty employment as a Director on the Board of Directors of ASTM International. After considering the specifics of the proposed employment and Ms. Kropas-Hughes' knowledge of the limitations on such employment, we recommend approval.
2. **FACTS:** Ms. Kropas-Hughes is currently a Tech Advisor with AFLCMC/XZI. She requests off-duty employment as a Director of ASTM. ASTM is a professional organization specializing in the development of voluntary consensus standards. The position would involve attending board meetings and providing advice on strategic vision and decisions for ASTM. She has had experience developing standards in the past, but this is not a regular part of her job at this time. Ms. Kropas-Hughes has informed ASTM that she will not work on any decisions or standards that involve the Air Force.
3. **LAW AND GUIDANCE:** According to AFMCI 51-201, *Off-Duty Employment* (15 Dec 04), off-duty employment may be approved as long as it does not: (1) violate statute or regulation, (2) detract from readiness, or (3) pose a security risk. The following statutes and regulations also apply:
 - a. 5 C.F.R. § 2635.802 prohibits off-duty employment from presenting a conflict of interest with official duties. An activity conflicts with an employee's official duties: (a) if it is prohibited by statute or by an agency regulation; or (b) if, under the standards set forth in §§2635.402 and 2635.502, it would require the employee's disqualification from matters so central or critical to the performance of his official duties that the employee's ability to perform the duties of his position would be materially impaired. IAW §2635.402, "an employee is prohibited by criminal statute, 18 U.S.C. § 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest." IAW § 2635.502, "[w]here an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household...and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee...."

b. 18 U.S.C. §§ 203 and 205 prohibit Federal personnel from acting as an agent for, or representing, a non-Federal entity before Federal agencies or courts on particular matters in which the Government is a party or has a direct and substantial interest.

c. Joint Ethics Regulation (JER), DoD 5500.7-R, Para. 3-301, states "DoD employees may become members and may participate in the management of non-Federal entities as individuals in a personal capacity provided they act exclusively outside the scope of their official position." Further, this provision states "a DoD employee may not serve in a personal capacity as ... a member of the Board of Directors...in any non-Federal entity offered because of their DoD assignment or position."

d. JER, Para. 3-302, states "DoD employees are generally prohibited from engaging in any official activities in which a non-Federal entity is a party or has a financial interest if the DoD employee is an active participant in the non-Federal entity or has been an officer in the non-Federal entity within the last year."

4. **ANALYSIS:** Ms. Kropas-Hughes may accept the position with ASTM under the following conditions. First, she may not work on any matter for ASTM involving the DoD or involving one of the contractors with which she worked in her federal capacity. Second, Ms. Kropas-Hughes may not represent ASTM in any matter in which the U.S. government is a party or in which it has "a direct and substantial interest." Third, she may not accept the position on the ASTM Board of Directors if she has been offered this job "because of her DoD assignment or position." Fourth, Ms. Kropas-Hughes must ensure that her participation with ASTM is exclusively outside the scope of her official position and must not engage in any official activity in her current Federal position in which ASTM is a party or has a financial interest. Provided the above conditions are met, the proposed off-duty employment is permissible.

5. **RECOMMENDATION:** Based on the information provided and so long as the above conditions are met, the requested off-duty employment may be approved. If you have any questions, please contact me at (b) (6) @wpafb.af.mil or at (b) (6).

(b) (6)

Ethics Counselor



PUBLIC.RESOURCE.ORG ~ A Nonprofit Corporation

Public Works for a Better Government

July 22, 2015

VIA HTTP

FOIA Requester Service Center
Air Force Life Cycle Management Center
Wright Patterson Air Force Base, Ohio 45433
E-mail: <https://www.foia.af.mil/>

RE: Freedom of Information Act Request

Dear FOIA Officer:

On behalf of Public.Resource.Org, and pursuant to the Freedom of Information Act, **5 U.S.C. § 552**, I am submitting this request. Please provide the records in electronic form if possible.

Claudia V. Kropas-Hughes, Ph.D., is technical adviser in the Program Development and Integration Directorate, part of the Air Force Life Cycle Management Center at Wright-Patterson Air Force Base, Dayton, Ohio.. Dr. Kropas-Hughes also serves on the Board of Directors of the ASTM International.

Government officials serving in a fiduciary capacity in nonprofit organizations are subject to certain constraints, which are specified in **18 USC § 208(b)(2)** and **5 CFR § 2640.203(m)**. These constraints are detailed in the Office of Government Ethics **Legal Advisory LA-13-05**, "18 U.S.C. § 208(b)(2) Exemption for Official Participation in Nonprofit Organizations" (April 9, 2013).

I am requesting 3 types of records under FOIA regarding Dr. Kropas-Huges' relationship with ANSI:

- Legal Advisory LA-13-05 states "it is a best practice for agencies to commit the scope of an employee's permissible activities to writing in a memorandum of understanding between the agency, the employee and the nonprofit organization." I am requesting a copy of any such memoranda and supporting documents leading to the issuance of such memoranda. If instead Dr. Kropas-Huges' service with ANSI is or was in her individual capacity and not her official

capacity, I would request any documents discussing such status and/or any waiver requested or approved.

- Legal Advisory LA-13-05 states “the employee may not receive any supplementation of salary, including personal reimbursement of travel expenses, from the nonprofit organization” and any such reimbursement must come from the nonprofit organization directly to the government. I am requesting records detailing the amounts and nature of such reimbursements from ANSI.
- Legal Advisory LA-13-05 outlines a number of additional limitations, such as “limiting or prohibiting the employee from participating in the development of regulations that could affect the nonprofit organization.” I am requesting any memoranda, email, or other records that discuss instances where Dr. Kropas-Huges is limited or prohibited from working on matters with the nonprofit organization or has been recused, limited, or prohibited from working on matters for the government in her official capacity.

Public.Resource.Org requests that all fees in connection with this FOIA request be waived in accordance with **5 U.S.C. § 552(a)(4)(A)(iii)**, because it does not seek the records for a commercial purpose and disclosure “is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government.”

Public.Resource.Org does not have a commercial interest in the requested record. Public.Resource.Org is a 501(c)(3) public charity chartered to make government information more broadly available without fee to any and all users. Public.Resource.Org has demonstrated an ability to disseminate information about the government and its activities to the public. It is one of the largest distribution sites for public information related to the U.S. government, including over 14,000 hours of video from Congressional hearings posted at the request of the Speaker of the House, over 8 million Form 990 reports filed with the Internal Revenue Service, over 6,000 U.S. government videos posted in cooperation with the Archivist of the United States, and the historical opinions of the U.S. Court of Appeals. As the President of Public.Resource.Org, I am frequently quoted in major media publications such as **the New York Times, Business Week, the New Republic, and the Washington Post**. I also testify before Congress on issues of public access to government information and am a frequent public speaker on the subject.

Accordingly, we request that you waive all fees for locating and duplicating the requested record. If, however, a waiver is not granted, and if the fees to be assessed in connection with this request exceed \$200, please obtain my approval before any such costs are incurred.

We will expect a response within 20 working days as provided by law. If you have any questions regarding this request, please contact me at (707) 827-7290.

Thank you very much for your attention to this matter.

Sincerely,



Digitally signed by Carl
Malamud
DN: cn=Carl Malamud,
o=Public.Resource.Org,
ou,
email=carl@media.org,
c=US
Date: 2015.07.22
11:37:09 -07'00'

Carl Malamud
President & CEO
Public.Resource.Org

cc: David Halperin
Of Counsel
Public.Resource.Org