

# EXHIBIT A

**Browning, Jack**

---

**From:** Lewis, Aysha  
**Sent:** Monday, September 24, 2018 5:58 PM  
**To:** dcma.foia@dcma.mil  
**Cc:** Burke, Thomas  
**Subject:** Freedom of Information Act Request  
**Attachments:** 2018.09.24 IRAP FOIA Request to DOD.pdf

Good afternoon,

Attached please find a letter of today's date from Thomas Burke on behalf of the International Refugee Assistance Project.

Kind regards,

**Aysha D. Lewis** | Davis Wright Tremaine LLP  
Legal Secretary  
505 Montgomery Street, Suite 800 | San Francisco, CA 94111  
Tel: (415) 276-6546 | Fax: (415) 276-6599  
Email: [ayshalewis@dwt.com](mailto:ayshalewis@dwt.com) | Website: [www.dwt.com](http://www.dwt.com)

Anchorage | Bellevue | Los Angeles | New York | Portland | **San Francisco** | Seattle | Shanghai | Washington, D.C.



Suite 800  
505 Montgomery Street  
San Francisco, CA 94111-6533

**Thomas R. Burke**  
(415) 276-6552 tel  
(415) 276-6599 fax

thomasburke@dwt.com

September 24, 2018

**VIA U.S. MAIL AND EMAIL**

U.S. Department of Defense  
Defense Contract Management Agency  
HQ-DCC  
3901 A Avenue  
Fort Lee, VA 23801  
DCMA.FOIA@dcma.mil

Re: Freedom of Information Act Request

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we request access to the documents attached as Exhibit A to this letter. We represent the International Refugee Assistance Project and make this request on its behalf. Our clients request a fee waiver on the grounds that, for the reasons set forth below, “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 is not primarily in the commercial interest of the requestor.” 5 U.S.C. § 552(a)(4)(A)(iii); *see also Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of waivers for noncommercial requesters.’”).

This request is for information that Afghans who were employed by or on behalf of the United States government in Afghanistan require to obtain visas to travel to the United States – visas which they are statutorily entitled to receive in light of their faithful service to this country during Operation Enduring Freedom and Resolute Support Mission. Under the section 602(b) of the Afghan Allies Protection Act of 2009, Afghans who were employed by or on behalf of the U.S. Government are entitled to U.S. visas. However, in order to receive a visa, an Afghan employee must provide evidence that his or her employer was a company that contracted with the United States or a U.S. government contractor.

Tragically, many Afghan contractors are unable to make the threshold showing required to receive necessary approvals for those visas. Generally, applicants are required to come forward with the name of their employer and submit proof of the existence of the contract under which that employer provided services to the United States. While it is true that some contracts with the U.S. government are well known, there are many more small contractors and sub-

U.S. Department of Defense  
Defense Contract Management Agency  
September 24, 2018  
Page 2

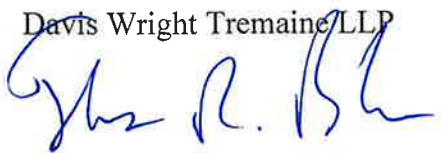
contractors whose service to this country cannot be so easily established. Compounding the difficulty, it is dangerous for Afghans to publicly acknowledge that they aided the United States during the Afghan War, which inhibits their ability to gather evidence relating to their employment. Many are under ongoing threat in Afghanistan due to this work or have fled as refugees to other countries and live in impoverished conditions. Even these individuals are brave enough to undertake the risks inherent in seeking proof of their employment, poor record keeping in Afghanistan often thwarts their efforts to establish that they worked for a contractor for the U.S. Government.

This FOIA request is narrowly limited to seek only the information required for Afghan employees to obtain their visas. It calls only for details sufficient to prove of the existence of contracts between the United States and Afghan corporations or other companies that employed Afghan citizens during the period January 1, 2009 to the present. Although some information is publicly from the Federal Procurement Database System ("FPDS") operated by this Department, in many cases the necessary information is not included in the results of public searches. We believe that the underlying contracts that are entered into FPDS are in the possession of this department. In providing information from these contracts, this FOIA request does not call for extraneous data (*e.g.*, proprietary information relating to the financial terms of the contracts) which can be redacted. Rather it asks for only enough information to establish which companies were in fact U.S. contractors in Afghanistan during the January 1, 2009 to the present time period, and the relevant start and end dates of their contracts. A list of all such contractors, contract numbers, and relevant dates would suffice. Assuming no such list exists, the necessary proof can be provided by small portions of the contracts, specifically the name of the contracting entity, relevant dates, and the scope of work provided to the U.S. Government.

Thank you for your prompt attention to this request. We look forward to a response within the statutory 20-day period.

Best regards,

Davis Wright Tremaine LLP



Thomas R. Burke

**EXHIBIT A – Documents Requested**

**Definitions**

1. **Correspondence.** “Correspondence” includes any and all forms of electronic mail, postal mail, messenger applications, facsimiles, or any other form of written communication, as well as any records or notes of any and all forms of meetings, telephone conversations, or any other form of oral communication.
  2. **Record.** “Record” has the same meaning as the term “Document” in Fed. R. Civ. P. 34 and includes tangible things.
  3. **Information.** “Information” includes all data, analysis, correspondence, or other material, however recorded.
  4. **And/Or.** “And” and “or” are to be construed as disjunctive or conjunctive as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside the scope.
- 
1. **Request No. 1:** Documents, records, correspondence or information sufficient to identify the existence and duration of any contract between the United States Government and an entity that *either* employed one or more citizens or nationals of Afghanistan who may be eligible to apply for U.S. visas under section 602(b) of the Afghan Allies Protection Act of 2009 or subsequent legislation awarding visas to Afghan contractors *or* subcontracted with an entity that employed one or more citizens or nationals of Afghanistan who may be eligible to apply for such visas. This request is limited to contracts executed between January 1, 2009 to the present.