

Exposing Corruption *Exploring Solutions*
Project On Government Oversight

June 8, 2011

FOIA Compliance Office
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

FOIA Compliance Officer:

I am making this request under the Freedom Of Information Act (“FOIA”), 5 U.S.C. § 552. Please provide records that are maintained by an agency or for an agency by a government contractor in any format, including an electronic format. Please provide a copy of all statements filed with the General Counsel of the Commission between January 1, 2006 and May 31, 2011, by former members or employees who, within 2 years after leaving the CFTC, were employed or retained by outside parties on matters in which they expected to appear before the Commission, as required by 17 CFR § 140.735–6(e) (“Practice by former members and employees of the Commission”).

I request a waiver of all costs associated with fulfilling this submission pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and 17 C.F.R. § 200.80(e)(4). Disclosure of the requested records will contribute significantly to the public’s understanding of the operations or activities of the government and would not be primarily in the commercial interest of POGO. Specifically, POGO intends to use the requested records to highlight for the public the recent history of CFTC employees going through the “revolving door” to work for entities overseen by the Commission. If the request for a fee waiver is denied, please contact me about any incurred expenses prior to supplying the requested records.

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 the public, policymakers, and the media via email, direct mail, and its website, which receives nearly 100,000 page views per month. The records provided by the agency will be used for the following activities, which are publicly available: publication by email and on POGO websites; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers; or in conjunction with the news media.

If this request is denied in full or in part, please cite each exemption pursuant to 5 U.S.C. § 552(b) that justifies each denial. If an exemption applies, however, please consider exercising the agency's discretionary release powers to disclose the records. Any such action supports the presumption of "openness" upon which FOIA is based. Additionally, please release all reasonably segregable portions of the records that do not meet an exemption. 5 U.S.C. § 552(b).

I look forward to your response, including an individualized tracking number, within 20 days of the receipt of this request, unless, in the case of "unusual circumstances," the time limitation is "extended by written notice." 5 U.S.C. § 552(a)(6)(B). I am aware that all fees will be waived if specified time limits are not met. 5 U.S.C. § 552(a)(4)(A)(viii). I have a right to appeal if this request is wholly or partially denied or if the agency fails to respond within 20 days, and that, if successful, a federal district court may assess "reasonable attorney fees and other litigation costs." 5 U.S.C. § 552(a)(4)(E).

Please contact me at 202-347-1122 if this request requires further clarification. Thank you for your prompt attention to this matter.

Sincerely,

Michael Smallberg
Investigator
Project On Government Oversight
msmallberg@pogo.org