

**§ 701.46 Aggregating requests.**

Except for commercial requesters, a naval activity may not charge for the first 2 hours of search time or for the first 100 pages of reproduction. A requester may not file multiple requests at the same time each seeking portions of a document or documents to avoid payment of fees. When a naval activity reasonably believes that a requester or, a group of requesters acting in concert is attempting to break a request into a series of requests to evade fees, the naval activity may aggregate the requests and charge accordingly. In determining whether it is reasonable to aggregate the requests, consider the time period of the requests. For example, it would be reasonable to presume that multiple requests of this type made within a 30-day period had been made to avoid fees. It is harder to make that presumption for requests over a longer time period. Before aggregating requests from more than one requester, naval activities must have a concrete basis to conclude that the requesters are acting in concert to avoid payment of fees. Naval activities may not aggregate multiple requests from one requester on unrelated subjects.

**§ 701.47 Effect of the Debt Collection Act of 1982 (Pub. L. 97-365).**

The Debt Collection Act of 1982 (Pub. L. 97-365) provides for a minimum annual rate of interest on overdue debts to the Federal Government. Naval activities may charge an interest penalty for fees outstanding 30 days from the date of billing (the first demand notice). The interest rate shall be as prescribed in 31 U.S.C. 3717. Naval activities should verify the current interest rate with respective accounting and finance offices. After one demand letter has been sent and 30 calendar days have lapsed with no payment, naval activities may submit the debt to the respective accounting and finance offices for collection under the Debt Collection Act of 1982.

**§ 701.48 Computation of fees.**

The fee schedule in Subpart D of this part shall be used to compute search, review (in the case of commercial requesters), and duplication costs for processing FOIA requests. Costs shall

be computed on time actually spent. Time-based and dollar-based minimum charges for search, review (in the case of commercial requesters), and duplication are not authorized.

**§ 701.49 Collection of fees.**

Collect FOIA fees when providing the documents to the requester when the requester specifically states that costs are acceptable or acceptable up to a specified amount. Collection may not be made in advance unless the requester has failed to pay previously assessed fees within 30 calendar days from the date of the billing by the naval activity, or the naval activity determines the fee will be in excess of \$250.

**§ 701.50 Search time costs.**

The following schedules outline authorized fees:

(a) *Manual search.*

Type	Grade	Hourly Rate
Clerical .....	E9/GS8 and below .....	\$12
Professional .....	01-06/GS9-GS/GM15 .....	25
Executive .....	07/GS/GM16/ES1 and above.	45

(b) *Computer search.* Computer search is based on the direct cost of the central processing unit, input-output devices, and memory capacity of the computer configuration. The cost of computer search is based on the computer operator/programmer's time in determining how to conduct and subsequently executing the search and is charged at the rate of a manual search.

(c) *Duplication costs.*

Type	Cost per Page
Pre-printed material (i.e., unaltered directives, publications) .....	\$.02
Office copy (i.e., xeroxed copies) .....	.15
Microfiche .....	.25
Computer copies (tapes or reprints) .....	Actual cost <sup>1</sup>

<sup>1</sup> This means the cost of duplicating the tape or printout, which includes the operator's time and cost of the tape.

(d) *Review time (only applies in the case of commercial requesters).*

Type	Grade	Hourly Rate
Clerical .....	E9/GS8 and below .....	\$12
Professional .....	01-06/GS9-GS/GM15 .....	25

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Type	Grade	Hourly Rate
Executive .....	07/GS/GM16/ES1 and above.	45

(e) *Audiovisual documentary materials.* Compute search costs as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

(f) *Other records.* Compute direct search and duplication cost for any record not described above as described for audiovisual documentary material.

(g) *Costs for special services.* Complying with requests for special services is at the discretion of the naval activity. FOIA and its fee structure do not cover these kinds of services. Naval activities may recover the costs of special services asked for by the requester after agreement has been obtained from the requester to pay for one or more of the following services:

- (1) Certifying that records are true copies.
- (2) Sending records by special methods such as express mail, etc.

**§ 701.51 FOIA fee remittance/receipt controls.**

(a) Naval activities shall implement procedures to track FOIA fee remittances. At a minimum, the tracking system should include the name of the requester, company (if applicable), amount of fee charged (identify by total and breakdown, i.e., \$250: \$100 search, \$50.00 review, \$100 reproduction), date and serial number of correspondence to the requester which seeks the fee remittance, date remittance received, number of check, date sent to local disbursing office, and copy of NAVCOMPT Form 2277. This tracking system can be manual or automated and should be designed to identify outstanding FOIA remittances so that follow-up letters can be sent advising the requester that his/her account requires prompt action.

(b) Naval activities shall advise requesters to make their check/money order payable to the Treasurer of the United States. Upon receipt of a check/money order, the receiving activity

shall submit a NAVCOMPT Form 2277, Voucher for Disbursement and/or Collection, and the check/money order to the local disbursing office for processing. "FOIA Receipt Account Number 3210" shall be annotated on the NAVCOMPT Form 2277 when processing all FOIA fees, except those received by Defense Business Operating Fund (DBOF) and non-appropriated funded (NAF) activities.

(c) Remittances received by DBOF activities shall be made payable to the activity and the requester should indicate on the check "FOIA Remittance." The remittance shall be deposited in the DBOF activity account.

(d) Remittances received by NAF activities shall be made payable to the activity and the requester should indicate on the check "FOIA Remittance." The remittance shall be deposited in the NAF activity account.

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**§ 701.52 Technical data fees.**

(a) *General.* Technical data, recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation). This term does not include computer software or data incidental to contract administration, such as financial and/or management information. Technical data requiring release under FOIA, shall be released after the requester pays all reasonable costs for search, duplication, and review of the records to be released.

(b) *Definition.* Technical data means recorded information, regardless of the form or method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software or data incidental to contract administration, such as financial and/or management information.

(c) *Retention of funds.* Naval activities shall retain fees received from releasing technical data. The funds shall be available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with the request. Reasonable costs are the full costs to