

§ 812.4

(b) Sale or disposal of surplus property under approved programs.

(c) Services furnished the general public relating to or furthering the Air Force recruiting program.

(d) Any services furnished representatives of public information media or the general public in the interest of public understanding of the Air Force.

(e) Any records made available to the public under the Freedom of Information Act.

(f) Any requests for release of Air Force-developed computer programs to non-Government customers.

(g) Foreign military sales of materiel and services.

§ 812.4 Waived or reduced charges.

In general, charges may be waived or reduced when:

(a) Payment of the full cost or fee by a State or local government or by a nonprofit group would not be in the interest of the program. See subpart B for types of services and conditions under which services may be provided.

(b) Furnishing the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country.

(c) The incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

§ 812.5 User charge exclusions.

Although of a user charge nature, the following are considered exempt from the requirement to assess a charge. The list is not all-inclusive. Refer recommendations for additional exclusions to the office of primary responsibility (OPR) for this directive.

(a) Any services requested by members of the armed forces when the document or information requested is required by such personnel in their capacity as members of the armed forces of the United States.

(b) Any services requested by members of the armed forces who are in a casualty status, or by their next-of-kin or legal representative, and requests for information from any source relating to a casualty.

(c) The address of record of an active duty member or former member of the

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armed forces, when it can be furnished informally through local directory (locator) reference, when requested by a member of the armed forces, a relative, or legal representative of a member of the armed forces, or the address of record requested by any source, when the address is required for the purpose of paying monies or forwarding property to a member or former member of the armed forces.

(d) Any services requested by or on behalf of a member or former member of the armed forces or, if deceased, their next of kin or legal representative pertaining to requests for:

(1) Information required to obtain financial benefits regardless of the terms of separation from the service;

(2) Document showing membership and military record in the armed forces if discharged or release was under honorable conditions except as provided in § 812.5(d)(1) and (4);

(3) Information relating to a decoration or award or information required for memorialization purposes;

(4) Review or change in type of discharge or correction of records;

(5) Personal documents, for example, birth certificates, when such documents were required to be furnished by the individual.

(e) Services which are furnished free in accordance with statutes or executive orders.

(f) Information from or copies of medical and dental records and/or X-ray films of patients or former patients of military medical or dental facilities, when such information is required and requests for such data are submitted by an accredited medical facility, physician or dentist, or requested by the patient, next of kind, or legal representative.

(g) Any services involving confirmation of employment, disciplinary or other records, salaries of active or separated civilian or military personnel when requested by prospective employers, or recognized sources of inquiry for credit or financial purposes.

(h) Any services requested by and furnished to a member of Congress for official use.

(i) Any services requested by State, territorial, county, or municipal government, or an agency thereof, which

is carrying on a function related to or furthering an objective of DOD.

(j) Any services requested by a court when the furnishing of such will serve as a substitute for personal court appearance of a military or civilian employee of DOD.

(k) Any services requested by a non-profit organization which is carrying on a function related to or furthering an objective of the Federal Government or in the interest of public health and welfare.

(l) Any services requested by an individual or corporation which is carrying on a function related to or furthering an objective of the Federal Government, when the cost of such services would be chargeable directly to a Federal Government contract or grant held by the individual or corporation.

(m) Any services requested by donors with respect to their gifts.

(n) Requests for services which are occasional and incidental (including any request from a resident of a foreign country), of a type that is not requested often, if it is administratively determined that a fee would be inappropriate in such an occasional case.

(o) Any request from Federal employees for completion of forms applicable to claims for reimbursement in connection with the Federal Employees Health Benefit Act of 1959.

(p) Administrative services normally provided in reference or reading rooms for public inspection of records, except for copies of records or documents furnished.

(q) Any request for military locator service by a financial institution located on a DOD installation.

(r) Any request for military locator service from financial organizations, engaged in the composite check program, that are not located on a DOD Installation. Each request for an address of record must include:

(1) A statement that the organization is listed as a composite check recipient in the current U.S. Treasury Bureau of Accounts, Financial Organizations Directory.

(2) A statement that the individual whose address is requested has his or her pay forwarded as a direct deposit by DOD disbursing officer;

(3) The financial organization's account number for the individual.

(s) Any services rendered in response to requests for classification review of DOD classified records, submitted under Executive Order 11652, as implemented by DOD Regulation 5200.1-R, which consist of the work performed in conducting the classification review, or in granting and carrying to completion an appeal from a denial of declassification after such review.

(t) Any services of a humanitarian nature performed in certain emergency situations such as: life-saving transportation for non-US Armed Forces patients, search and rescue operations, and airlift of personnel and supplies to a site of disaster. This does not mean inter- and intra-Governmental agreements to recover all or part of costs should not be negotiated. Rather, it means the recipient or beneficiary is not assessed a user charge.

§ 812.6 Charges for special services.

(a) *Establishing Fees.* Establish user charge fees for special services on the basis of total costs or fair market value, whichever is higher, and not by the value of the services to the recipient. When applicable, determine fair market value in accordance with commercial rates in the local geographical area by referring to public pricing information, trade association information, market surveys, and other available information; do not conduct surveys solely for this purpose. Whenever feasible, establish and publish rates and fees in advance to facilitate uniformity of charges. Review rate and fee schedules annually or whenever significant changes in costs occur. Primary user charge rate and fee schedules are contained in 32 CFR part 813, Schedule of Fees for Copying, Certifying and Searching Records and Other Documentary Material, and 32 CFR part 811, Sale or Release of Audiovisual Documentation.

(b) *Determining Costs.* Determine or estimate costs from the best available records in the activity. Use existing cost systems; however, do not establish cost accounting systems solely to determine user charges. The following direct and indirect costs are included