

for the FY. Include all direct and indirect expenses associated with FOIA litigation in U.S. District Courts, U.S. Circuit Courts of Appeals, and the U.S. Supreme Court.

(4) *Total program cost.* Report the total cost of FOIA program operation within your agency. Include your litigation costs in this total. While you do not have to report detailed cost information as in the past, you should be able to explain the techniques by which you derived your agency's total cost figures if the need arises.

(i) Before the close of each fiscal year, the DoD OFOISR will dispatch the latest OSD Composite Rate Chart for military personnel to DoD Components. This information may be used in computing military personnel costs.

(ii) Army Activities should compute their civilian personnel costs using rates from local Office of Personnel Management (OPM) Salary Tables and shall add 16% for benefits.

(iii) Data captured on DD Form 2086, and DD Form 2086-1, shall be summarized and used in computing total costs.

(iv) An overhead rate of 25% shall be added to all calculated costs for supervision, space, and administrative support.

(j) *ITEM 10 Authentication.* The official that approves the agency's report submission to DA will sign and date; enter typed name and duty title; and provide both the agency's name and phone number for questions about the report. The consolidated Annual FOIA Report will be made available to the public in electronic format by DoD.

APPENDIX A TO PART 518—REFERENCES

(a) *References.*

- (1) AR 1-20 Legislative Liaison;
- (2) AR 20-1 Inspector General Activities and Procedures;
- (3) AR 25-1 The Army Information Management;
- (4) AR 25-11 Record Communications and the Privacy Communications System;
- (5) AR 25-400-2 The Army Records Information Management System (ARIMS);
- (6) AR 27-20 Claims;
- (7) AR 36-2 Audit Reports and Follow-up;
- (8) AR 40-66 Medical Record Administration and Health Care Documentation;
- (9) AR 40-68 Quality Assurance Administration;
- (10) AR 40-400 Patient Administration;

(11) AR 195-2 Criminal Investigation Activities;

(12) AR 25-71 The Army Privacy Program;

(13) AR 360-1 The Army Public Affairs Program;

(14) AR 380-5 Department of the Army Information Security Program;

(15) AR 381-10 U.S. Army Intelligence Activities;

(16) AR 381-12 Subversion and Espionage Directed Against The U.S. Army (SAEDA);

(17) AR 381-20 The Army Counterintelligence Program;

(18) AR 530-1 Operations Security (OPSEC);

(19) AR 600-85 Army Substance Abuse Program; and

(20) AR 608-18 The Army Family Advocacy Program.

(b) *Related publications.* A related publication is merely a source of additional information. The user does not have to read it to understand this part.

(1) AR 10-5 Headquarters, Department of the Army;

(2) AR 27-10 Military Justice;

(3) AR 27-40 Litigation;

(4) AR 27-60 Intellectual Property;

(5) AR 60-20 Army and Air Force Exchange Service Operating Policies AFR 147-14;

(6) AR 70-31 Standards for Technical Reporting;

(7) AR 190-45 Law Enforcement Reporting;

(8) AR 380-10 Foreign Disclosure and Contacts with Foreign Representatives;

(9) AR 381-45 Investigative Records Repository;

(10) AR 385-40 Accident Reporting and Records;

(11) DA Pam 25-30 Consolidated Army Publications and Index Forms;

(12) DA Pam 25-51 The Army Privacy Program—System of Records Notices and Exemption Rules;

(13) DoD Directive 5100.3 Support of the Headquarters of Combatant and Subordinate Joint Commands, November 15, 1999;

(14) DoD Directive 5230.24 Distribution Statements on Technical Documents, March 18, 1987;

(15) DoD Directive 5230.25 Withholding of Unclassified Technical Data From Public Disclosure, November 6, 1984;

(16) DoD Directive 5230.9 Clearance of DoD Information for Public Release, April 9, 1996;

(17) DoD Directive 5400.4 Provision of Information to Congress, January 30, 1978;

(18) DoD Directive 5400.7 DoD Freedom of Information Act (FOIA) Program, September 29, 1997;

(19) DoD Directive 5400.11 DOD Privacy Program, December 13, 1999;

(20) DoD Directive 7650.1 Government Accountability Office (GAO) and Comptroller General Access to Records, September 11, 1997;

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(21) DoD Directive 7650.2 Government Accountability Office Reviews and Reports, July 13, 2000;

(22) DoD Directive 8910.1 Management and Control of Information Requirements, June 11, 1993;

(23) DoD Federal Acquisition Regulation Supplement (DFARS), Part 227 Patents, Data, and Copyrights. See also 48 CFR part 227;

(24) Department of Defense Financial Management Regulation (Reimbursable Operations, Policy and Procedures) Volume 11A, April 2003 authorized by DoD Instruction 7000.14, DoD Financial Management Policy and Procedures, November 15, 1992;

(25) DoD Instruction 5400.10 OSD Implementation of DoD Freedom of Information Act Program, January 24, 1991;

(26) DoD 5200.1-R Information Security Program, January 1997, authorized by DoD Directive 5200.1, December 13, 1996, DoD Information Security Program;

(27) DoD 5400.7-R DoD Freedom of Information Act Program, September 4, 1998;

(28) DoD 5400.11-R Department of Defense Privacy Program, August 1983, authorized by DoD Directive 5400.11, December 13, 1999, DoD Privacy Program;

(29) Executive Order 12600 Predisclosure Notification Procedures for Confidential Commercial Information, June 23, 1987, 52 FR 23781;

(30) Public Law 86-36 National Security Information Exemption, Codified at 50 U.S.C. 402, as amended;

(31) Public Law 104-191 Health Insurance Portability and Accountability Act of 1996, Codified at 42 U.S.C. 1171-1179, as amended;

(32) Section 822 of the National Defense Authorization Act for FY 90 and 91 (Pub. L. 101-189, November 29, 1989: 103 Stat. 1382, 1503);

(33) 5 U.S.C. 551-559, Administrative Procedures Act;

(34) 5 U.S.C. 552, as amended: public information; agency rules, opinions, orders, records, and proceedings. (FOIA);

(35) 5 U.S.C. 552a, as amended: records about individuals. (PA of 1974);

(36) 10 U.S.C. 128, Physical Protection of Special Nuclear Material: Limitation on Dissemination of Unclassified Information;

(37) 10 U.S.C. 130, Authority to Withhold from Public Disclosure Certain Technical Data;

(38) 10 U.S.C. 130(b), Personnel in Overseas, Sensitive, or Routinely Deployable Units: nondisclosure of personally identifying information;

(39) 10 U.S.C. 1102(f), Confidentiality of Medical Quality Assurance Records: Qualified Immunity for Participants;

(40) 10 U.S.C. 2305(g) Prohibition on Release of Contractor Proposals;

(41) 10 U.S.C. 2320-2321, Rights in Technical Data;

(42) 10 U.S.C. 2328, Release of Technical Data under Freedom of Information Act: Recovery of Costs;

(43) 17 U.S.C. 106, Exclusive Rights in Copyrighted Works;

(44) 18 U.S.C. 798, Disclosure of Classified Information;

(45) 18 U.S.C. 3500, The Demands for Production of Statements and Reports of Witnesses (The Jencks Act);

(46) 31 U.S.C. 3717, Interest and Penalty on Claims;

(47) 32 CFR part 518, The Army FOIA Program;

(48) 35 U.S.C. 181-188, Secrecy of Certain Inventions and Filing of Application in Foreign Country;

(49) 41 U.S.C. 423, Restrictions on Disclosing and Obtaining Contractor Bid or Proposal Information or Source Selection Information;

(50) 42 U.S.C. 2162, Classification and Declassification of Restricted Data;

(51) 44 U.S.C. 3301-3324, Disposal of Records;

(52) 45 CFR part 164, Security and Privacy of Individually Identifiable Health Information; and

(53) 50 U.S.C. 403-3, War and National Defense, Protection of Intelligence Sources and Methods.

APPENDIX B TO PART 518—ADDRESSING FOIA REQUESTS

(a) *General.* Army records may be requested from those Army officials who are listed in 32 CFR part 518 (see appendix A). Contact the DA FOIA/PA Office, to coordinate the referral of requests if there is uncertainty as to which Army activity may have the records. Send requests to particular installations or organizations as follows:

(1) Current publications and records of DA field commands, installations, and organizations. See also: <http://books.army.mil/>.

(2) Send the request to the commander of the command, installation, or organization, to the attention of the FOIA Official.

(3) Consult AR 25-400-2 (ARIMS) for more detailed listings of all record categories kept in DA offices.

(4) Contact the installation or organization public affairs officer for help if you cannot determine the official within a specific organization to whom your request should be addressed.

(b) *Department of the Army publications.* Send requests for current administrative, training, technical, and supply publications to the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161. NTIS handles general public requests for unclassified, uncopyrighted, and nondistribution-restricted Army publications not sold through the Superintendent of Documents.