

MEMORANDUM FOR ALL USACE COMMANDS, ATTN: F&A OFFICERS AND COUNSEL OFFICES**SUBJECT: Freedom of Information Act (FOIA) Accounting Procedures.**

1. We are modifying the Corps' Freedom of Information Act (FOIA) accounting procedures relating to the collection of fees from requesters. Current procedures call for the Districts to deposit the fees they collect in revolving fund accounts.
2. The Districts we contacted indicated that this collection process is burdensome. In some districts, an individual revolving fund account and sub-accounts are established for each request. Offices involved in locating the documents must be contacted individually and given the account number for billing. When payment is received, the Disbursing Office deposits the check, and then must notify Counsel that the fee has been paid. District personnel must go through the lists of accounts receivable every quarter to pick out FOIA payments.
3. In an effort to make the fee processing procedures less burdensome, and bring them in line with current Army policy, we have determined that FOIA fees should be deposited in the Federal Treasury rather than in revolving fund accounts. Federal Treasury Receipt Accounts, have already been set up by the Treasurer of the United States, as described in AR 25-55, Section 5-210. New accounts are not required for each FOIA request.
4. Effective immediately the following procedures will be followed to administer the FOIA.
 - a. All FOIA requests should be sent directly to the District Counsel Office/FOIA Officer. The FOIA Officer will process the request, determine the appropriate fee and advise the requester to submit payment. The requester should be directed to send the check, made payable to the local finance and accounting officer, to the Counsel Office/FOIA Officer. The requester should also be directed to annotate the check "payment for FOIA request." When the check arrives, the Counsel Office/FOIA Officer should record it, and within three days, send it with the appropriate transmittal to the Finance and Accounting Officer for deposit in one of the two Federal Treasury Receipt Accounts. The FOIA Officer will identify the account for the F&AO.
 - b. Fees collected for information furnished by the Corps under the FOIA will be deposited in the Federal Treasury Receipt Accounts. Therefore, we will no longer need the VW 33 Freedom of Information Act Account to collect such monies. Expenses will no longer

be charged to VW 33. Expense balances in VW 33 will be charged back to the office where they were incurred. Income balances will be transferred to one of the two Federal Treasury Receipt Accounts. The FOIA Officer will identify the account.

c. Future costs incurred to comply with the FOIA will be charged to the office where the costs are incurred.

d. FOIA Offices can keep track of costs incurred by completing a DD Form 2086 (Record of Freedom of Information (FOI) Processing Cost) for each FOIA request, or requiring offices to return a completed DD Form 2086 with the documents they locate. The FOIA Officer should keep track of FOIA payments for determination of payment histories, release of documents, and annual report processing.

5. The VW 33 account will be closed out ASAP, but not later than 31 December 1991.

6. This policy will more closely conform with Army and Defense Department regulations and Congressional intent. We hope that it will streamline fee processing and reporting. This change should not result in a major financial burden on the Districts, since the Corps already spends over \$1,100,000 responding to FOIA requests each year, and only collects about \$68,000 (some of which is already deposited in the Treasury Accounts).

7. CERM-FP POC for this action is Ms. Denie F. Aaron, at (202)272-1924. CECC-K POC for this action is Mr. Richard Frank, (202)272-0027.

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