

CECC-K

13 December 1991

**MEMORANDUM FOR ALL USACE COMMANDS, ATTN: FOIA OFFICERS**

**SUBJECT: Freedom of Information Act (FOIA) Annual Report and Guidance**

1. Happy Holidays, and yes it is that time of year again for the annual FOIA report. As mentioned in previous guidance, the form we use to answer the annual report, DD 2564, has been changed. A copy of the new report form is attached. We are sending this message out through the mail service and by Corpsmail. If you want a copy of the form before you receive this message in the mail, see the September 26, 1991 Federal Register, pages 48965-48966.

2. Districts should coordinate their responses with the Division. Divisions should send their consolidated reports to CECC-K no later than 15 January, so that we can get it to Army by our due date of 17 January. FOAs and Labs should respond directly to us by 15 January. We will consolidate all of the reports, add our information, fill in the blanks and submit the final report to the Army.

3. The Districts and Divisions should coordinate on filling in item 1. Districts will probably need to provide items 1a and 1b, and coordinate on 1c and 1d. The Districts should also fill in items 9 "Fees Collected From the Public" and 10b "FOI Program Costs," following the instructions at 32 CFR 518.99(j)(2). Your best estimates of costs are all we need, so do not worry if you have to make informed guesses. Divisions need to fill in items 1, 2 and 3 as well as 9 and 10b.

4. We have received a number of complaints about the Annual FOIA Report. I know that filling in the annual report form is difficult and time-consuming, but it is required by the Act.

a. If the information necessary to fill in the report is obtained as described in the Army regulation, the amount of time it takes to prepare the report should be minimized.

b. Army regulations provide that a DD Form 2086 must be prepared for each FOIA request. AR 25-55, Section 7-200(a), 32 CFR 518.98(a). If the FOIA Officer sends a blank DD Form 2086 to the office searching for the documents, that office can fill in most of the form and send it back with the requested documents. The FOIA Officer should fill in the rest of the form and place a copy of the form in an annual report file. At the end of the year, the numbers on the forms are added, and placed on the annual report form, items 9 and 10b of DD Form 2564.

c. The numbers on the DD 2086 relate directly to the numbers required for the DD 2564. DA Form 4335-R is obsolete and should not be used. DD Form 2086 can be found on pages 53127-53128, December 26, 1990 Federal Register. I have attached a copy of DD Form 2564 with this guidance. DD Form 2564 can also be found on pages 53131-53132 of the December 26th Federal Register, or pages 48965-48966 of the September 26, 1991 Federal Register.

5. If you have any questions about the report, please contact Mr. Richard Frank at (202) 272-0027.

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