

# DEPARTMENT OF DEFENSE



## FREEDOM OF INFORMATION ACT PROGRAM CY 1995

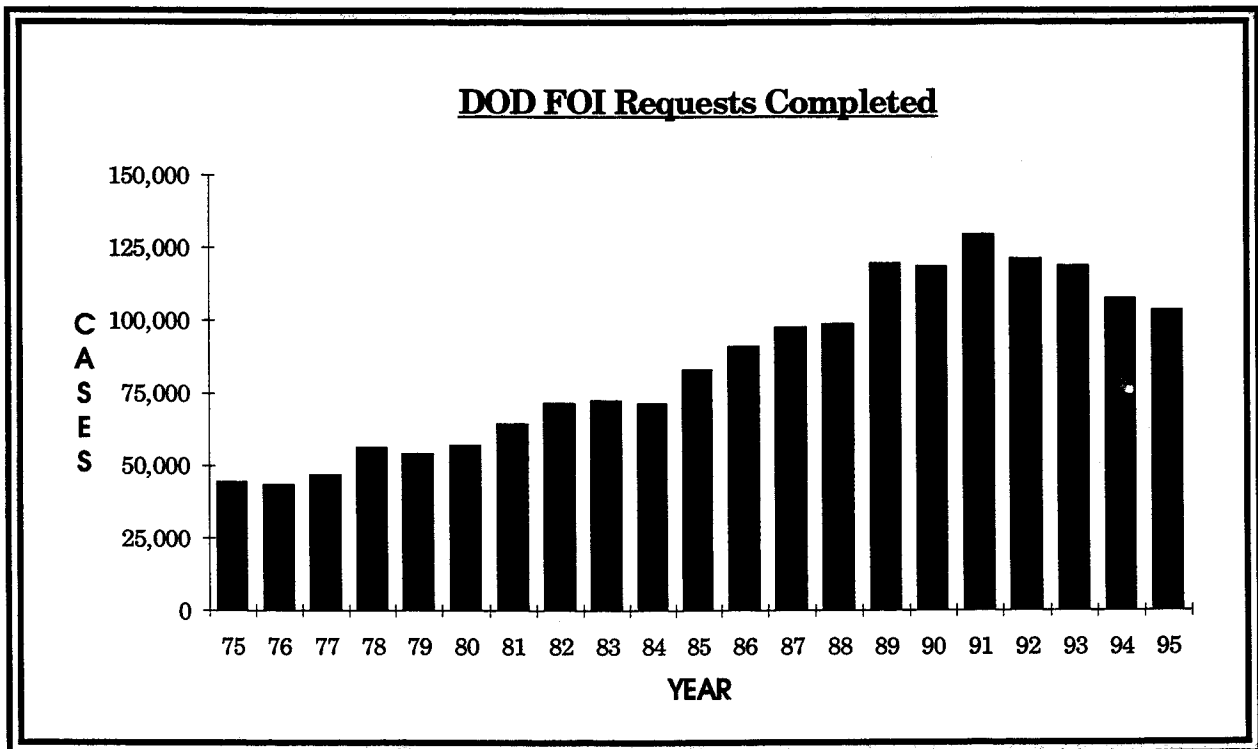
### REPORT TO CONGRESS

PREPARED BY:  
OFFICE OF THE ASSISTANT TO THE SECRETARY OF DEFENSE  
(PUBLIC AFFAIRS)  
DIRECTORATE FOR FREEDOM OF INFORMATION  
AND SECURITY REVIEW

# FREEDOM OF INFORMATION ACT ANNUAL REPORT CALENDAR YEAR 1995

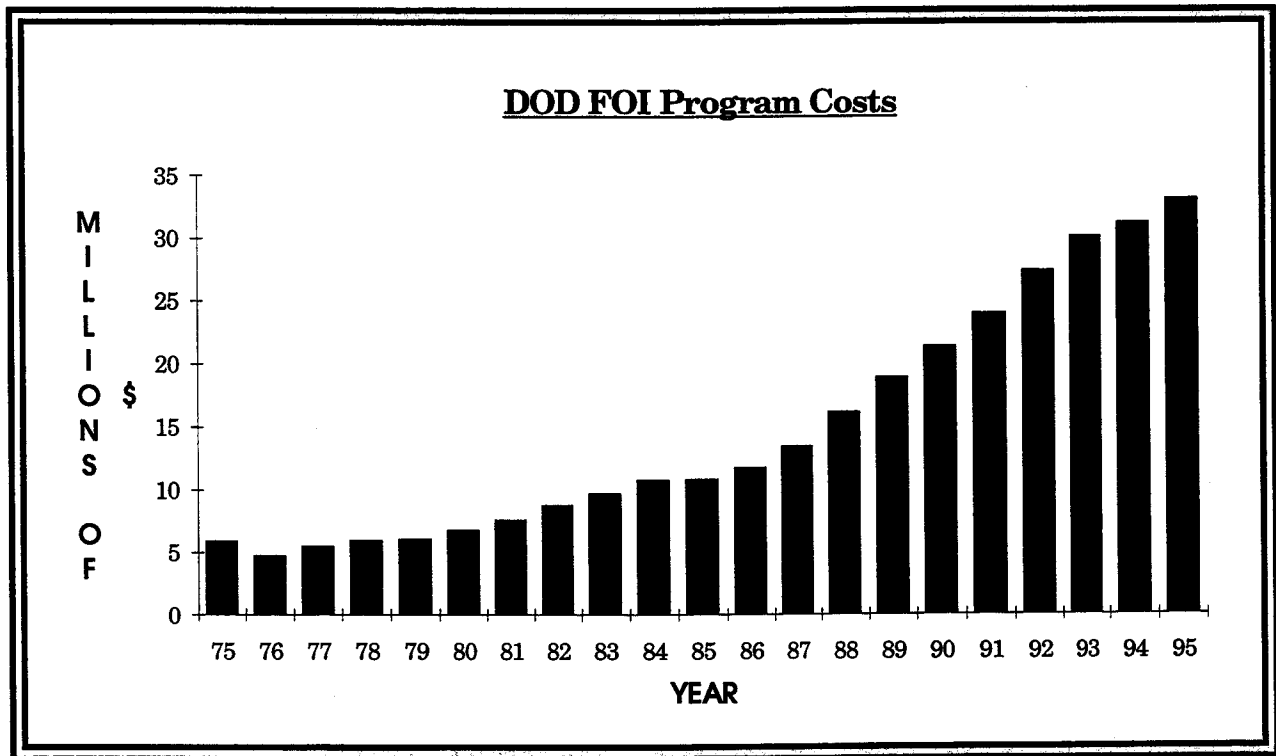
## SUMMARY

A total of 103,347 public requests for records under the Freedom of Information Act (FOIA) were completed during 1995 by the Department of Defense. As shown below, there was a slight decline in the number of cases processed in 1995 from the previous year.



The Department of Defense fully denied 1,718 and partially denied 8,430 out of 103,347 requests on the basis of FOIA exemptions. Of those exemptions, 11% were for classified information; 6% for internal rules and practices; 6% for statutory exemptions; 9% for proprietary data; 15% for deliberative material; 31% for privacy information; and 21% for law enforcement investigations. Twenty-five thousand six hundred fifty-five requests could not be filled in whole or in part for other reasons, such as lack of records, referral to another agency, or lack of specificity sufficient to identify the requested records. There were 902 actions taken on appeals of denied requests (84 granted, 198 partially denied, 330 fully denied, and 290 could not be filled for other reasons, as mentioned earlier).

The total DoD operating cost associated with the 1995 requests was \$33,067,528.36. The average cost of processing a single case during 1995 was approximately \$320. Fee collections for records provided to the public amounted to \$1,088,427.59. Total program costs since inception of the report are reflected below.



Questions regarding this report should be addressed to the Director, Freedom of Information and Security Review, OATSD (Public Affairs), Room 2C757, 1400 Defense Pentagon, Washington, D.C. 20301-1400.

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**Department of Defense**  
**Reporting Agencies**  
**Under the Freedom of Information Act**

Abbreviation	Agency	Agency Head
OSD/JS	Office of the Secretary of Defense (Including the Joint Staff)	Hon William J. Perry
Dept Army	Secretary of the Army	Hon Togo D. West, Jr.
Dept Navy	Secretary of the Navy	Hon John B. Dalton
Dept Air Force	Secretary of the Air Force	Hon Sheila E. Widnall
DCAA	Defense Contract Audit Agency	Mr. William H. Reed
DFAS	Defense Finance and Accounting Service	Mr. Richard F. Keevey
DIA	Defense Intelligence Agency	LtGen James R. Clapper, USAF/LtGen Kenneth A. Minihan, USAF
DIS	Defense Investigative Service	Mr. John F. Donnelly
DISA	Defense Information Systems Agency	LtGen Albert J. Edmonds, USAF
DLA	Defense Logistics Agency	VAdm Edward M. Straw, USN
DMA	Defense Mapping Agency	MajGen Philip W. Nuber, USAF
DNA	Defense Nuclear Agency	MajGen Gary L. Curtin, USAF
NRO	National Reconnaissance Office	Mr. Jeffrey K. Harris
NSA/CSS	National Security Agency/Central Security Service	VAdm John M. McConnell, USN
OIG, DOD	Office of the Inspector General, Department of Defense	Ms. Eleanor Hill

**Department of Defense**  
**FOI Appeal and Program Officials**

Agency	Appellate Authority	Agency Program Head
OSD/JS	Mr. Clifford H. Bernath, Principal Deputy Assistant to the Secretary of Defense (Public Affairs)	Mr. Anthony H. Passarella, Director, Freedom of Information and Security Review
Dept Army	Hon William T. Coleman, General Counsel	Mrs. Rose Marie Christensen, Chief, Information Branch, Freedom of Information and Privacy Act Division, SAIS-IDP-F/P
Dept Navy	RAdm H. E. Grant, USN, Judge Advocate General/Hon Steven S. Homigman, General Counsel of the Navy	RAdm Joseph S. Mobley, USN, Director of the Navy Staff
Dept Air Force	Mr. Walter A. Willson Assistant General Counsel	Mr. William A. Davidson, Administrative Assistant to the Secretary of the Air Force
DCAA	Mr. John H. van Santen, Assistant Director, Resources	Mr. Dave Henshall, Information and Privacy Advisor
DFAS	Mr. Richard F. Keevey, Director	Mr. John P. Barber, Director, External Affairs and Administrative Support
DIA	Mr. John T. Berbrich, Chief of Staff	Mr. Robert P. Richardson, Chief, Freedom of Information Act Staff
DIS	Mr. John F. Donnelly, Director	Mr. Dale L. Hartig, Chief, Information/Public Affairs
DISA	LtGen Albert J. Edmonds, USAF, Director	Mrs. Susan Chadick, General Counsel
DLA	VAdm Edward M. Straw, USN, Director/MajGen Ray E. McCoy, USA, Principal Deputy Director	Mr. Raul Martinez, Administrator, Administrative Support Center

DMA	Capt L. W. Urbik, USN, Chief of Staff	Mrs. Helen Sharett-Sullivan, Associate General Counsel
DNA	MajGen Gary L. Curtin, USAF, Director	LtCol Lane M. van-de Steeg, USA, Public Affairs/Freedom of Information Officer
NRO	Mr. Jimmie D. Hill, Deputy Director	Ms. Mary Jo Kingsley, Chief, Information Access Release Center
NSA/CSS	Mr. William P. Crowell, Deputy Director	Mr. James P. Cavanaugh, Deputy Director of Policy
OIG, DOD	Mr. Nicholas Lutsch, Assistant Inspector General for Administration and Information Management	Ms. Nadine Dulacki, Chief, Freedom of Information Act and Privacy Act Office

# Item 1

## Initial Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	3,926	1,498	634	88	1,856	4,076
Dept Army	33,164	23,727	1,850	503	7,218	33,298
Dept Navy	28,018	16,027	2,791	467	9,549	28,834
Dept Air Force	20,222	13,579	2,037	365	4,241	20,222
DCAA	172	66	23	4	79	172
DFAS	2,080	1,697	17	6	342	2,062
DIA	760	137	340	4	279	760
DIS	156	56	26	21	53	156
DISA	283	199	11	8	65	283
DLA	12,713	11,453	146	20	1,298	12,917
DMA	301	165	27	9	108	309
DNA	259	139	32	4	86	261
NRO	75	13	23	5	34	75
NSA/CSS	726	71	257	124	296	748
OIG, DOD	492	35	216	90	151	492
<b>DOD Totals</b>	<b>103,347</b>	<b>68,862</b>	<b>8,430</b>	<b>1,718</b>	<b>25,655</b>	<b>104,665</b>

\* Total Actions may exceed Total Requests because more than one action may be taken on a single request.



## Item 2(a)

### Exemptions Invoked on Initial Determinations

Component	Exemptions by Number (5 U.S.C. 552(b))									Total*
	1	2	3	4	5	6	7	8	9	
OSD/JS	385	69	100	112	98	229	20	0	0	1,013
Dept Army	354	383	16	236	859	1,505	967	0	0	4,320
Dept Navy	172	132	64	400	515	1,584	888	0	0	3,755
Dept Air Force	172	82	35	398	724	894	993	0	0	3,298
DCAA	0	0	0	6	11	11	1	0	0	29
DFAS	1	0	0	0	2	11	4	0	0	18
DIA	328	249	2	28	12	253	2	0	0	874
DIS	0	10	0	4	7	19	27	0	0	67
DISA	0	0	9	8	2	0	0	0	0	19
DLA	0	6	0	67	29	39	34	0	0	175
DMA	0	0	2	8	17	17	7	0	0	51
DNA	11	0	9	12	7	13	1	0	0	53
NRO	23	0	22	0	4	5	2	0	0	56
NSA/CSS	245	11	724	37	32	40	11	0	0	1,100
OIG, DOD	6	4	4	15	19	72	266	0	0	386
<b>DOD Totals</b>	<b>1,697</b>	<b>946</b>	<b>987</b>	<b>1,331</b>	<b>2,338</b>	<b>4,692</b>	<b>3,223</b>	<b>0</b>	<b>0</b>	<b>15,214</b>
<b>Percent of Total</b>	<b>11%</b>	<b>6%</b>	<b>6%</b>	<b>9%</b>	<b>15%</b>	<b>31%</b>	<b>21%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Total may not agree with denials in Item 1 because of cases where two or more exemptions were cited.

Item 2(b)

Statutes Invoked on Initial Determinations

Statute	Number of Times by Agency													Total
	OSD/ JS	Army	Navy	AF	DIA	DISA	DMA	DNA	NRO	CSS	NSA/ OIG,	DOD	Total	
10 USC 128	2												2	
10 USC 130		3	10	10									23	
10 USC 425, Sec 406 (a)								8					8	
10 USC 618 (f)		8		5									13	
10 USC 1102		4	24	10									38	
10 USC 2796						2							2	
18 USC 798										188			188	
22 USC 2778 (e)	3		1	1									5	
26 USC 6103			1										1	
31 USC 3729				1								1	2	
41 USC 423			24	8		9							45	
42 USC 2161-2168, P.L. 703	29		3				9						41	
50 USC 401 et seq., as amended, Sec 403-3 (c)(5)	1												204	
50 USC 401 Note, Sec 1082, P.L. 102-190	52												52	
50 USC 402 Note, Sec 6, P.L. 86-36	6				2								357	
50 USC 403 (d)(3)	3		1							349			4	
50 USC 403 (g)	1											1	1	
Rule 6(e), Federal Rules of Criminal Procedure												1	1	
<b>Agency Totals</b>	<b>100</b>	<b>16</b>	<b>64</b>	<b>35</b>	<b>2</b>	<b>9</b>	<b>2</b>	<b>9</b>	<b>22</b>	<b>724</b>	<b>4</b>	<b>987</b>		

## Item 2(c)

### Other Reasons Cited on Initial Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	963	386	58	186	256	18	1,867
Dept Army	2,647	2,107	644	705	827	741	7,671
Dept Navy	5,480	1,956	461	630	807	215	9,549
Dept Air Force	423	1,765	245	933	569	306	4,241
DCAA	25	28	4	1	20	1	79
DFAS	53	104	35	96	13	41	342
DIA	45	139	6	27	10	52	279
DIS	15	24	4	1	5	4	53
DISA	15	12	0	1	31	8	67
DLA	231	364	264	70	299	70	1,298
DMA	10	18	2	64	4	10	108
DNA	26	31	1	7	12	9	86
NRO	9	19	0	0	6	0	34
NSA/CSS	63	184	23	61	36	4	371
OIG, DOD	43	44	9	37	15	3	151
<b>DOD Totals</b>	<b>10,048</b>	<b>7,181</b>	<b>1,756</b>	<b>2,819</b>	<b>2,910</b>	<b>1,482</b>	<b>26,196</b>

**\* Types of Categories**

1. Transferred Request
  2. Lack of Records
  3. Failure of Requester to Reasonably Describe Record
  4. Other Failures by Requester to Comply with Published Rules and/or Directives
  5. Request Withdrawn by Requester
  6. Not an Agency Record
- (see following page for description of each category)

## **"Other Reasons" Described**

### **1. Transferred Request**

This category applies when responsibility for making a determination or a decision on categories listed below is shifted from one Component to another Component/Federal Agency.

### **2. Lack of Records**

This category covers situations wherein the requester is advised the agency has no record, or has no statutory obligation to create a record.

### **3. Failure of Requester to Reasonably Describe Record**

This category is specifically based on Section 552(a)(3)(A) of the FOIA.

### **4. Other Failures by Requester to Comply with Published Rules and/or Directives**

This category is based on Section 552(a)(3)(B) of the FOIA and includes instances of failure to follow published rules concerning time, place, fees and procedures.

### **5. Request Withdrawn by Requester**

This category covers situations when the requester asks an agency to disregard the request (or appeal) or pursues the request outside FOIA channels.

### **6. Not an Agency Record**

This category indicates the requested information is not an agency record.

## Item 3

### Initial Denial Authorities by Participation

Name	Rank	Title	Number of Instances
<b><u>OSD/JS</u></b>			
Abbot, C. S.	RAdm	Director, Operations, ECJ3, United States European Command	10
Akins, Carl	Civ	Director, Acquisitions and Administration, Office of Civilian Health and Medical Program of the Uniformed Services	20
Allen, Jerrold P.	MajGen	Director, Plans, ECJ5, United States European Command	13
Bailey, Claud	Col	Deputy Director, Radiation Experiment Command Center	1
Banghart, Allan	Capt	Executive Assistant, Deputy Under Secretary of Defense (Logistics), Under Secretary of Defense (Acquisition and Technology)	1
Basso, Sharon	Civ	Director, External Affairs, Central Imagery Office	2
Bennett, Lee, Jr.	LtCol	Deputy Director, Manpower, Personnel and Administration, SCJ1, United States Southern Command	2
Blundell, Diana L.	Civ	Acting Director, Defense Security Assistance Agency, Under Secretary of Defense (Policy)	3
Boros, Louis L.	Col	Vice Director, Operations, SCJ3, United States Southern Command	3
Brick, Samuel T.	Civ	Director, Legislative Reference Services, General Counsel	1
Carrato, Thomas	Civ	Director, Managed Care, Office of the Assistant Secretary of Defense for Health Affairs	1

Chiles, Henry G., Jr.	Adm	Commander-in Chief, United States Strategic Command	3
Clark, Carole	Civ	Chief, Management Services Division, Defense Technical Security Administration	1
Connolly, Timothy G.	Civ	Principal Deputy, Assistant Secretary of Defense (Special Operations and Low Intensity Conflict), Under Secretary of Defense (Policy)	1
Cooke, David O.	Civ	Director, Administration and Management, Washington Headquarters Services	19
Cortez, Christopher O.	Col	Executive Assistant/Deputy Chief of Staff to the Deputy Commander-in Chief/Chief of Staff, United States Pacific Command	5
Deegan, Gene A.	MajGen	Vice Director, Joint Staff	2
Dellermann, Frank J.	Civ	Director, Strategy, Forces and Operations, Deputy Assistant Secretary (Forces Policy), Assistant Secretary of Defense (International Security Policy), Under Secretary of Defense (Policy)	2
Dix, Mary A.	Civ	Vice President, Administration and Management, Uniformed Services University of Health Sciences	3
Dunlap, Charles J., Jr.	Col	Staff Judge Advocate, United States Strategic Command	10
Ello, John V.	Civ	Executive Director, Defense Science Board, Under Secretary of Defense (Acquisition and Technology)	1
Fau, Wayne B.	Col	Chief, Joint Intelligence Center, United States Southern Command	5
Fitzgibbon, Gerald M.	Civ	Acting Director, Deputy Assistant Secretary of Defense (Counterproliferation Policy), Assistant Secretary of Defense (International Security Policy), Under Secretary of Defense (Policy)	1
Frostic, Fredrick L.	Civ	Deputy Assistant Secretary of Defense (Requirements and Plans), Assistant Secretary of Defense (Strategy and Requirements), Under Secretary of Defense (Policy)	1

Goetz, Richard B., Jr.	MajGen	Vice Director, Joint Staff	1
Goldberg, Marc D.	Capt	Executive Assistant, Assistant to the Secretary of Defense (Atomic Energy), Under Secretary of Defense (Acquisition and Technology)	7
Gonzales, Lillian	Civ	Director, Department of Defense Education Activity	23
Gordon, John P.	Col	Director, Management, Assistant to the Secretary of Defense (Public Affairs)	1
Groves, L. K.	Civ	Executive Assistant, Assistant to the Secretary of Defense (Atomic Energy), Under Secretary of Defense (Acquisition and Technology)	1
Halgus, Joseph D.	Civ	Acting Director, European Policy, Deputy Assistant Secretary of Defense (European and NATO Policy), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
Hall, John B.	BrigGen	Director, Asian and Pacific Region, Deputy Assistant Secretary of Defense (Asian and Pacific Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	7
Hall, Warren D.	Col	Staff Judge Advocate, United States Southern Command	1
Hamre, John J.	Civ	Under Secretary of Defense (Comptroller/Chief Financial Officer)	1
Hassebrock, Ronald A.	Col	Deputy Director, Defense Procurement, Under Secretary of Defense (Acquisition and Technology)	4
Haughton, Claiborne D.	Civ	Acting Deputy, Deputy Assistant Secretary of Defense (Equal Opportunity), Assistant Secretary of Defense (Force Management Policy), Under Secretary of Defense (Personnel and Readiness)	1
Hawthorne, Everett G.	Col	Executive Assistant, Strategic and Space Systems, Under Secretary of Defense (Acquisition and Technology)	3

Hayden, Michael V.	BrigGen	Director, Intelligence, ECJ2, United States European Command	18
Higgins, Donald, Jr.	Col	Vice Director, Operations, SCJ3, United States Southern Command	3
Hoehn, Andrew	Civ	Director, Requirements, Deputy Assistant Secretary of Defense (Requirements and Plans), Assistant Secretary of Defense (Strategy and Requirements), Under Secretary of Defense (Policy)	1
Holbein, Jack R.	Col	Deputy Chief of Staff, United States Special Operations Command	17
Horn, John R.	Civ	Chief, External Inquiries, Deputy Assistant Secretary of Defense (Prisoner-of-War/Missing - in-Action Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	23
Hosmer, Bradley C.	MajGen	Vice Director, Joint Staff	1
Hubbard, Robert L.	Capt	Vice Director, Intelligence, SCJ2, United States Southern Command	2
Hyde, S. J.	Cdr	Deputy Director, Counterdrug SCJ2, United States Southern Command	1
Jacobs, Jimmy O.	Col	Senior Military Assistant, Assistant Secretary of Defense (Economic Security), Under Secretary of Defense (Acquisition and Technology)	1
Johnston, David T.	Cdr	Executive Assistant, Operations Directorate, United States Pacific Command	3
Jones, Jeffrey A.	Civ	Assistant Deputy Under Secretary of Defense (Material and Distribution), Deputy Under Secretary of Defense (Logistics), , Under Secretary of Defense (Acquisition and Technology)	1
Kendall, Cynthia	Civ	Deputy Assistant Secretary of Defense (Information Management), Assistant Secretary of Defense (Command, Control, Communications and Intelligence)	1



Kirsch, Kevin	Maj	Military Assistant, Assistant Secretary of Defense (Legislative Affairs)	1
Knight, William E.	Col	Dean, Administration and Services, Defense Systems Management College	2
Knosp, Lawrence	Maj	Executive Assistant, Mobility Operations Branch, United States Pacific Command	2
Krysa, John	Civ	Director, Inter-American Region, Deputy Assistant Secretary of Defense (Inter-American Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	4
Lair, J. A.	RAdm	Director, Operations, ECJ3, United States European Command	4
Lamb, Ivan F.	Col	Deputy Director, Manpower, Personnel and Administration, ECJ1, United States European Command	5
Langston, Arthur M.	Capt	Executive Assistant, Chief of Staff, United States Pacific Command	1
Lantz, William	Col	Legal Policy Coordinator, Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support), Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), Under Secretary of Defense (Policy)	1
Logan, Patrick R.	Col	Deputy Chief of Staff, Special Operations Command Pacific, United States Pacific Command	1
Lusey, Rodney S.	Col	Joint Secretary, United States Space Command	17
Lynum, Cheryl P.	Maj	Chief, Management Oversight, Ballistic Missile Defense Organization, Under Secretary of Defense (Acquisition and Technology)	51
MacMurray, Michael	Civ	Director, Middle Eastern Affairs, Deputy Assistant Secretary of Defense (Middle East and African Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1

Maguire, Joseph	Capt	Deputy Commander/Chief of Staff, Special Operations Command Pacific, United States Pacific Command	1
Marineau, Charles R.	Cdr	Chief, Casualty Data Division, Joint Task Force-Free Accounting, United States Pacific Command	9
Marshall, Andrew W.	Civ	Director, Net Assessment, Under Secretary of Defense (Policy)	2
McBride, Edmund F.	Civ	Chief, Documents Division, Joint Staff; Chief, Information Management, Joint Staff	54
McCoy, Ronald P.	Col	Chief of Staff, Defense Commissary Agency	9
McDonald, William. M.	Civ	Director, Freedom of Information and Security Review, Assistant to the Secretary of Defense (Public Affairs)	1
McKalip, H. Diehl	Civ	Acting Director, Defense Security Assistance Agency, Under Secretary of Defense (Policy); Deputy Director, Defense Security Assistance Agency, Under Secretary of Defense (Policy)	11
McNicol, David L.	Civ	Deputy Director, Resource Analysis, Program Analysis and Evaluation, Under Secretary of Defense (Comptroller/Chief Financial Officer)	1
Miller, James E., Jr.	BrigGen	Director, Intelligence, ECJ2, United States European Command	1
Miller, Joseph E.	Civ	Acting Deputy Assistant Secretary of Defense (Middle East and African Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
Mirkovich, David	Col	Deputy Director, Management Operations, Ballistic Missile Defense Organization, Under Secretary of Defense (Acquisition and Technology)	1
Molholm, Kurt N.	Civ	Administrator, Defense Technical Information Center	2
Murdock, Clark	Civ	Deputy Director, Deputy Under Secretary of Defense (Policy Planning), Under Secretary of Defense (Policy)	1

Neal, R. I.	LtGen	Deputy Commander-in Chief/Chief of Staff, United States Central Command	37
Newberry, Robert	Col	Principal Director, Deputy Assistant Secretary of Defense (Drug Enforcement Policy and Support), Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), Under Secretary of Defense (Policy)	2
Nye, Joseph S., Jr.	Civ	Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
O'Donnell, William K.	Civ	Director, Plans, Programs and Administration, Assistant Secretary of Defense (Command, Control, Communications and Intelligence)	12
Ochmanek, David A.	Civ	Deputy Assistant Secretary of Defense (Strategy), Assistant Secretary of Defense (Strategy and Requirements), Under Secretary of Defense (Policy)	1
Ormsbee, William H.	Civ	Acting Deputy Director, Public Affairs, United States Southern Command	1
Ostovich, Rudolph, III	MajGen	Vice Director, Joint Staff	2
Owen, William K.	Civ	Head, Information Services, Armed Forces Radiobiology Research Institute	1
Passarella, Anthony H.	Civ	Director, Freedom of Information and Security Review, Assistant to the Secretary of Defense (Public Affairs)	42
Peksens, Rudolf F.	BrigGen	Director, Plans, SCJ5, United States Southern Command	2
Plumer, David B.	Col	Chief, Military Group Peru, United States Southern Command	1
Quigley, Craig R.	Capt	Director, Public Affairs, United States Atlantic Command	2
Ra'anan, Michael Y.	Civ	General Counsel, On Site Inspection Agency, Assistant to the Secretary of Defense (Atomic Energy), Under Secretary of Defense (Acquisition and Technology)	2

Register, Ronnie H.	Civ	Deputy Director, Management, Advanced Research Projects Agency, Under Secretary of Defense (Acquisition and Technology)	38
Rhame, Thomas G.	MajGen	Director, Defense Security Assistance Agency, Under Secretary of Defense (Policy)	4
Robertson, Charles T., Jr.	MajGen	Vice Director, Joint Staff	5
Romanowski, Alina L.	Civ	Director, Near East and South Asian Affairs, Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	3
Rudd, Glenn A.	Civ	Deputy Director, Defense Security Assistance Agency, Under Secretary of Defense (Policy)	1
Schachter, Leon J.	Civ	Director, Industrial Security Clearance Review, Defense Legal Services Agency; Director, Defense Office of Hearing and Appeals, General Counsel	1
Scheflen, Kenneth C.	Civ	Director, Defense Manpower Data Center, Deputy Under Secretary of Defense (Requirements and Resources), Under Secretary of Defense (Personnel and Readiness)	12
Schlatter, Joseph A., Jr.	Col	Deputy Director, Deputy Assistant Secretary of Defense (Prisoner-of-War/Missing -in-Action Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	50
Schriefer, Luther F.	RAdm	Director, Inter-American Region, Deputy Assistant Secretary of Defense (Inter-American Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
Schuster, Carl O.	Capt	Chief, Plans and Readiness Division, Intelligence Directorate, United States Pacific Command	2
Scoggins, William B.	LtCol	Assistant Deputy Director, Counterdrug, SCJ3, United States Southern Command	2
Scott, James. T.	LtGen	Commander, United States Army Special Operations Command	2

Sellman, Wayne S.	Civ	Director, Accession Policy, Assistant Secretary of Defense (Force Management Policy), Under Secretary of Defense (Personnel and Readiness)	1
Servant, Robert E.	LtCol	Alternate Command Facility Division, United States Pacific Command	2
Shaw, Chris W.	Col	Chief, Current Operations Division, United States Pacific Command	1
Sheridan, Brian E.	Civ	Deputy, Assistant Secretary of Defense (Drug Enforcement Policy and Support), Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), Under Secretary of Defense (Policy)	3
Skelly, Linda	Civ	Program Analyst, Policy Guidance Branch, Plans, Policy and Programs Directorate, Central Imagery Office	1
Smith, Frederick C.	Civ	Director, Near East and South Asian Region, Deputy Assistant Secretary of Defense (Near East and South Asian Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	2
Smith, Hubert G.	LtGen	Deputy Commander-in-Chief, United States Transportation Command	3
Smith, John W.	BrigGen	Director, Intelligence, SCJ2, United States Southern Command	3
Smith, Leo M., Jr.	Civ	Chief, Administrative Services, Washington Headquarters Services	1
Stremple, John L.	Civ	Director, Department of Defense Office of Dependents Education	1
Swain, Thomas E.	BrigGen	Deputy Assistant Secretary of Defense (Policy and Missions), Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), Under Secretary of Defense (Policy)	2
Tarbell, David	Civ	Director, Defense Technology Security Administration	1

Taylor, Wesley B., Jr.	BrigGen	Deputy Assistant Secretary of Defense (Policy and Missions), Assistant Secretary of Defense (Special Operations and Low Intensity Conflict), Under Secretary of Defense (Policy)	1
Thomas, Donald D.	Civ	Director, Program Control and Administration, Defense Research and Engineering, Under Secretary of Defense (Acquisition and Technology)	1
Tracy, David S.	Civ	Acting Executive Director, Defense Evaluation Support Activity	1
Trost, Howard F.	Cdr	Executive Assistant, United States Pacific Command	3
Tucker, David C.	Civ	Deputy Director, Policy Planning, Deputy Assistant Secretary of Defense (Policy and Missions), Assistant Secretary of Defense (Special Operations and Low-Intensity Conflict), Under Secretary of Defense (Policy)	1
Tyrrell, John T.	Col	Director, Public Affairs, United States Atlantic Command	10
Vanderploog, Paul J.	MajGen	Director, Logistics, ECJ4, United States European Command	2
Wallerstein, Mitchel B.	Civ	Deputy Assistant Secretary of Defense (Counterproliferation Policy), Assistant Secretary of Defense (International Security Policy), Under Secretary of Defense (Policy)	1
Weaver, Keith T.	Cdr	Deputy Executive Secretary, Executive Secretary of the Department of Defense	1
Weidmann, Kent M.	Civ	Deputy Assistant Secretary of Defense (Asian and Pacific Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	4
Welling, Craig D.	Capt	Executive Assistant, Assistant to the Secretary of Defense (Atomic Energy), Under Secretary of Defense (Acquisition and Technology)	13
Wiles, John A.	Civ	Executive Director, Defense Evaluation Support Activity, Under Secretary of Defense (Acquisition and Technology)	5

Williamson, Molly K.	Civ	Deputy Assistant Secretary of Defense (Middle East and African Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
Wilson, James L.	BrigGen	Director, Inter-American Region, Deputy Assistant Secretary of Defense (Inter-American Affairs), Assistant Secretary of Defense (International Security Affairs), Under Secretary of Defense (Policy)	1
Woods, Roy S., Jr.	Civ	Deputy Director, Acquisition Program Integration, Under Secretary of Defense (Acquisition and Technology)	2
Wykle, Kenneth R.	LtGen	Deputy Commander-in-Chief, United States Transportation Command	7
Yarborough, J. E.	Capt	Deputy Commander/Chief of Staff, Special Operations Command Pacific, United States Pacific Command	1
Yergovich, Michael R.	Civ	Acting Director, External Affairs, Central Imagery Office	1

**DEPARTMENT OF THE ARMY**

Abbett, James T.	Civ	Chief Counsel, United States Army Materiel Command	6
Ackley, Robert	LtCol	Staff Judge Advocate, United States Army Test and Evaluation Command	5
Ackroyd, Harry E.	Col	Chief of Staff, United States Army Reserve Personnel Center	45
Adams, William	Col	Deputy Command Counsel, Command Staff Judge Advocate, Headquarters United States Army Materiel Command	2
Alan, Kurt	Civ	Chief Counsel, Tank-Automotive Command, United States Army Materiel Command	24
Anderson, Edward G.	MajGen	Assistant Deputy Chief of Staff for Operations & Plans, Force Development	5

Bagley, Claude T.	Civ	Division Counsel-Lower Mississippi Valley District, Corps of Engineers	12
Bailey, Robert B.	Col	Chief of Staff, Third United States Army/Central Command	3
Baratz, Max	MajGen	Chief, United States Army Reserve	3
Bates, Jared L.	LtGen	The Inspector General	12
Beardall, Charles W.	Col	Chief, Army Procurement Fraud Division Office of the Judge Advocate General	1
Berry, Peter T.	MajGen	Commanding General, United States Army Criminal Investigation Command	115
Black, Henry H.	Civ	District Counsel, Vicksburg District, Corps of Engineers	5
Black, Verbon	Civ	Chief Counsel, United States Army Missile Command, United States Army Materiel Command	2
Bowers, Charles	Civ	Freedom of Information Act Officer, Office of the Surgeon General	34
Brown, Genise	Civ	Deputy Chief of Staff for Operations & Plans, United States Army Strategic Defense Command	1
Brown, Harry D.	Col	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	6
Brunson, F. Gil	LtCol	Command Judge Advocate, United States Army Test and Evaluation Command	4
Burt, Thomas W.	Civ	District Counsel, Mobile District, Corps of Engineers	5
Ciummo, David	Civ	Chief, United States Army Information Systems Command, Office of Acquisition Management	34
Clagett, David C., Jr.	Col	Principal Assistant Responsible for Contracting, United States Army Europe	6
Cohen, Martin R.	Civ	Assistant Chief Counsel for Litigation, Corps of Engineers	8



Cox, Joseph J.	Civ	Division Counsel-North Atlantic District, Corps of Engineers	5
Craig, George	Civ	District Counsel, Pittsburgh District, Corps of Engineers	2
Crane, Thomas F.	Civ	District Counsel, Rock Island District, Corps of Engineers	1
Culver, Daniel	Civ	Depot Counsel, United States Army Materiel Command	2
De Kunffy, Anthony	Civ	Freedom of Information Act Officer, Headquarters 5th Signal Command	1
DiGiovanni, Joseph	Civ	Division Counsel-New England District, Corps of Engineers	1
Doherty, Daniel A.	BrigGen	Commanding General, United States Army Criminal Investigation Command	65
Doss, Oliver H.	Col	Acting Principal Assistant Responsible for Contracting, United States Army Forces Command	1
Douglas, Alfred	Civ	Principal Assistant Responsible for Contracting, Military District of Washington	1
Dupay, Arthur P.	Col	Chief of Staff, United States Total Army Personnel Command	5
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Frenette, Richard	Civ	Counsel, Humphreys Engineer Center Support Activity, Corps of Engineers	8
Gaines, Toni M.	Civ	Acting Principal Assistant/Principal Assistant Responsible for Contracting, United States Army Forces Command	67
Gallaher, Shawn T.	Maj	Command Judge Advocate, Yuma Proving Ground, Test & Evaluation Command	1
Garrett, Joseph	MajGen	Director, Strategy Plans & Policy, Deputy Chief of Staff for Operations and Plans	3
Gauger, Raymond A.	Col	Director, Acquisitions, Deputy Chief of Staff for Base Operations Support, United States Army Training and Doctrine Command	17
Gile, Greg L.	MajGen	Director, Assistant Chief of Staff for Operations and Plans, Readiness & Mobilization	4
Gilmore, Deborah A.	Civ	Chief, Administrative Services, National Guard Bureau	41
Gray, Kenneth D.	MajGen	Assistant Judge Advocate General	1
Griffin, Gordon D.	Maj	Executive Officer, United States Army Safety Center	13
Griffith, Ronald H.	LtGen	The Inspector General	77
Grimm, Beverly R.	Civ	Chief, Contracting Division, Acquisitions, United States Army Training and Doctrine Command	3
Guenther, Otto J.	LtGen	Director, Director of Information Systems for Command, Control, Communications, and Computers	1
Guinan, William J.	Civ	Counsel, United States Army Audit Agency	3
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Hamilton, Milton H.	Civ	Administrative Assistant, Office of the Secretary of the Army	3
Hanko, Kenneth J.	Civ	Supervisory Attorney Advisor, United States Army, Military Traffic Management Command	1
Harrison, Yvonne M.	Civ	Administrative Assistant to the Secretary of the Army	8
Henningsen, Gary M.	Civ	District Counsel, Omaha District, Corps of Engineers	14
Hiltz, James E.	Civ	Chief, Civilian Personnel Management Directorate, United States Total Army Personnel Command	111
Hitts, Earl T.	Civ	Chief, Staff Judge Advocate Office, United States Army Materiel Command	8
Hoener, Kathryn T.	Civ	Chief Counsel, Communications-Electronics Command	2
Holloman, J. Thomas	Col	Chief, Army Procurement Fraud Division Office of the Judge Advocate General	3
Holmes, R. Dale	Civ	District Counsel, St. Louis District, Corps of Engineers	2
Hough, William A.	Civ	District Counsel, Savannah District, Corps of Engineers	3
Hudson, Joel B.	Civ	Acting Administrative Assistant to the Secretary of the Army	11
Hyatt, Scott W.	Col	Deputy Commander, United States Army Safety Center	153
Jones, Robert H.	Civ	Division Counsel, Southwestern District, Corps of Engineers	3
Jordan, Franklin Z.	Civ	District Counsel, Charleston District, Corps of Engineers	2
Jordan, Larry R.	MajGen	Deputy The Inspector General	71
Kaplan, Marshall M.	Col	Chief, Army Standards of Conduct Office, Office of the Judge Advocate General	3

Kelley, Terence J.	Civ	Division Counsel, Ohio River District, Corps of Engineers	8
Kirk, William C.	Col	General Counsel, Army & Air Force Exchange Service	46
Korman, Carl E.	Civ	District Counsel, Sacramento District, Corps of Engineers	3
Lamy, Joel R.	Col	Commander, United States Army Medical Command, Acquisition Activity	17
LaNoue, Alcide M.	LtGen	The Surgeon General	117
Lealing, Gerald J.	Col	Chief, Administrative Law Division, Office of the Judge Advocate General	12
Lederer, Calvin M.	Col	Chief, Environmental Law Division, Office of the Judge Advocate General	4
Lingenfelter, Stephen I.	Civ	Division Counsel, South Atlantic District, Corps of Engineers	9
Lipes, Sharon A.	Civ	Chief Counsel, United States Army Materiel Command	1
Livingston, Mark	Civ	Chief of Policy and Plans, United States Army Forces Command	1
Longbottom, Harry W.	Maj	Command Judge Advocate, Yuma Proving Ground, Test & Evaluation Command	5
Loschi, Joseph R.	Civ	District Counsel, Norfolk District, Corps of Engineers	2
Lovelady, William N., Jr.	Civ	Counsel, Waterways Experiment Station District, Corps of Engineers	2
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Lyon, Suzanne C.	Civ	Acting Principal Assistant Responsible for Contracting, United States Army Forces Command	9
Mahoney, Robert N.	Civ	Division Counsel-Missouri River District, Corps of Engineers	5

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McCoy, Helen T.	Civ	Assistant Secretary of the Army for Financial Management	2
McFarren, Freddy	BrigGen	Director, Assistant Deputy Chief of Staff for Operations & Plans, Training	4
Meixell, John T.	LtCol	Acting Chief, Criminal Law Division, Office of the Judge Advocate General	2
Millard, Michael	LtCol	Acting Commander, United States Army Claim Service, Office of the Judge Advocate General	1
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Miller, Robert C.	Civ	District Counsel, Nashville District, Corps of Engineers	3
Mobley, Richard	Civ	General Attorney, United States Army Materiel Command	2
Moore, Edward J.	LtCol	Principal Assistant Responsible for Contracting, United States Army South	10
Moore, James R., Jr.	Col	Information Management Officer, Office of the Deputy Chief of Staff for Personnel, United States Army	62
Moulin, Francis R.	Col	Acting Commander, United States Army Claim Service, Office of the Judge Advocate General	2
Moye, Danny R.	Civ	Attorney Advisor, United States Army Materiel Command	1
Naccarato, Timothy E.	Col	Chief, Litigation Division, Office of the Judge Advocate General	1
Nardotti, Michael J., Jr.	MajGen	The Judge Advocate General	7
O'Brien, Howard E.	Col	Chief, Security Force Protection and Law Enforcement Division, Deputy Chief of Staff for Operations and Plans	68
Pavlik, Donald C.	Col	Deputy Commander, Operations, United States Army Community & Family Support Center	16

Pearce, William E.	Civ	Chief, Freedom of Information/Privacy Office, United States Army Intelligence and Security Command	448
Pike, Lloyd D.	Civ	District Counsel, Jacksonville District, Corps of Engineers	2
Putnam, Gerald H.	MajGen	Assistant Deputy Chief of Staff for Operations and Plans	1
Redfield, Michael	Civ	District Counsel, Seattle District, Corps of Engineers	10
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Riggs, John M.	BrigGen	Director, Assistant Deputy Chief of Staff for Operations & Plans, Requirements	13
Rosenblatt, James H.	Col	Commander, United States Army Claim Service, Office of the Judge Advocate General	11
Scales, Robert H., Jr.	MajGen	Director, Assistant Deputy Chief of Staff for Operations & Plans, Readiness & Mobilization	3
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Shapiro, Alan P.	Civ	Division Counsel, South Pacific District, Corps of Engineers	4
Sheldon, Patrick R.	Civ	Chief Counsel, Chemical & Biological Defense Command	45
Shinseki, Eric	MajGen	Assistant Deputy Chief of Staff for Operations and Plans	1
Siegfried, R. S.	MajGen	Acting The Inspector General	68
Solomon, Sanford A.	Civ	Division Counsel, North Central District, Corps of Engineers	17
Stirling, James W.	Civ	District Counsel, Wilmington District, Corps of Engineers	1

Swann, Robert L.	LtCol	Deputy, Criminal Law Division, Office of the Judge Advocate General	2
Tanner, James R.	Civ	Chief Counsel, United States Army Materiel Command	1
Temmel, Stephen E.	Civ	District Counsel, Los Angeles District, Corps of Engineers	2
Thomason, Matthew D., III	Civ	Counsel, Engineering and Support Center, Center-Huntsville District, Corps of Engineers	1
Tillery, Herbert R.	Col	Commandant, United States Disciplinary Barracks, United States Army	5
Towers, Joseph	Civ	District Counsel, New Orleans District, Corps of Engineers	4
Townsend, John	Civ	Acting Division Counsel, Ohio River District, Corps of Engineers	4
Trant, Charles E.	Col	Chief, Criminal Law Division, Office of the Judge Advocate General	7
Turner, Robert	Civ	District Counsel, Portland District, Corps of Engineers	2
Vela, Hector	Civ	Division Counsel, Southwestern District, Corps of Engineers	13
Wheaton, Kelly D.	Maj	General Litigation Attorney, Office of the Judge Advocate General, United States Army Strategic Defense Command	1
Wilks, Riggs L.	Col	Chief Trial Attorney, United States Army Legal Services Agency	1
Wilson, Johnnie E.	LtGen	Deputy Chief of Staff for Logistics	2
Wilson, Joseph K., Jr.	Col	Chief, Contracting Division, Principal Assistant Responsible for Contracting, United States Army Forces Command	30
Wixted, Michael G.	Col	Chief of Staff, United States Total Army Personnel Command	73
Woodling, Dale N.	LtCol	Acting Chief, Administrative Law Division, Office of the Judge Advocate General	9

Yokas-Reese, Marina	Civ	Attorney, United States Army Materiel Command	3
Young, Richard O.	Civ	Principal Assistant Responsible for Contracting, United States Army Pacific	1

**DEPARTMENT OF THE NAVY**

Anderson, J. D.	Capt	Acting Chief, Naval Education and Training Command	3
Barnett, S. R.	Capt	Commanding Officer, Naval Air Station Sigonella, United States Naval Forces Europe	2
Barr, J. M.	RAdm	Commander, Submarine Force, Pacific, United States Pacific Fleet	6
Bernson, V. E.	Lt	Staff Judge Advocate, Naval Support Activity Naples, United States Naval Forces Europe	4
Boland, J., Jr.	Capt	Director, Shore Safety Programs, Naval Safety Center	1
Bordy, M. W.	RAdm	Commander, Cruiser-Destroyer Group ONE, United States Pacific Fleet	1
Bowman, M. E.	Capt	Deputy Assistant Judge Advocate General, General Litigation	1
Brabham, J. A., Jr.	LtGen	Deputy Chief of Staff for Installations and Logistics, Headquarters United States Marine Corps	11
Branch, E. B.	Civ	Executive Director, Acquisition and Business Management (Research Development and Acquisition)	2
Brewer, D. L., III	RAdm	Commander, United States Naval Forces Marianas, United States Pacific Fleet	2
Bucholz, R. P.	Cdr	Acting Commanding Officer, Engineering Field Activity West, Naval Facilities Engineering Command	7
Burt, C. H.	Capt	Deputy and Chief of Staff, Naval Surface Force, Pacific, United States Pacific Fleet	6



Caldorisi, G. V.	Capt	Commander, Cruiser-Destroyer Group THREE, United States Pacific Fleet	2
Center, W. D.	RAdm	Commander, Naval Surface Group, Pacific NW, United States Pacific Fleet	1
Chamberlain, P. D.	Capt	Commanding Officer, Northern Division, Naval Facilities Engineering Command	2
Clemins, A.	VAdm	Commander, SEVENTH Fleet, United States Pacific Fleet	1
Clopton, C. M.	Cdr	Staff Judge Advocate, Naval Air Systems Command	81
Corcoran, G. J.	Capt	Commander, United States Naval Activities, United Kingdom, United States Naval Forces Europe	1
Creekman, C. T., Jr.	Capt	Chief of Staff, Naval District of Washington	1
Dames, T. A.	RAdm	Commander, Atlantic Division, Naval Facilities Engineering Command/Commander, Pacific Division, Naval Facilities Engineering Command	3
Davidson, J. P.	RAdm	Commander Officer, Navy Aviation Supply Office, Naval Supply Systems Command	1
Davis, D.	Col	Staff Judge Advocate, Marine Corps Air Bases Western Area, El Toro, Santa Ana, CA, United States Marine Corps	1
Dejaegher, R. H.	Capt	Commander, Fleet Air Western Pacific, United States Pacific Fleet	1
Delaney, K. F.	RAdm	Commander, Naval Base, Jacksonville, United States Atlantic Fleet	19
Demlein, J. J., Jr.	Capt	Chief of Staff, Submarine Group TWO, United States Atlantic Fleet	9
Dirren, F. M., Jr.	RAdm	Commander, Naval Base, Jacksonville, United States Atlantic Fleet	22
Doherty, C. L.	Cdr	Executive Officer, Public Works Center San Francisco, Naval Facilities Engineering Command	1

Dougherty, R.	Col	Director, Aviation Safety Programs, Naval Safety Center	1
Eddingfield, L. E.	Capt	Deputy and Chief of Staff, Naval Surface Force, Pacific, United States Pacific Fleet	7
Ellis, W. G.	RAdm	Commander, Submarine Group TEN, United States Atlantic Fleet	2
Evans, M. J.	RAdm	Commander, Navy Recruiting Command	4
Farrar, G. W.	Capt	Fleet Public Affairs Officer, United States Atlantic Fleet	11
Farrell, R. K.	Capt	Commander, Naval Education and Training Command	111
Finch, M. D.	Capt	Deputy Assistant Judge Advocate General, Claims and Tort Litigation	2
Fitzgerald, J.	VAdm	Inspector General	3
Flanagan, T. J.	Capt	Director, Operations Plans and Politico-Military Affairs (N31/N52), Office of the Chief of Naval Operations	2
Foshay, W. E.	Capt	Commander (Acting), Patrol Wings Atlantic, United States Atlantic Fleet	1
Freeman, R. N.	Capt	Program Manager, Anti-Ship Weapon Systems Program (PMA-258), Office of the Chief of Naval Operations	1
Gaffney, P. G.	RAdm	Commander, Naval Meteorology and Oceanography Command	2
Gaston, M. C.	RAdm	Commander, Naval Training Center, Great Lakes, Naval Education and Training Command	2
Gebert, D. K.	Capt	Commanding Officer, Engineering Field Activity Northwest, Naval Facilities Engineering Command	4
Gilevich, T.	Cdr	Judge Advocate General, Bureau of Medicine and Surgery	7
Green, T. W.	Cdr	Force Judge Advocate, United States Naval Forces Japan, United States Pacific Fleet	18

Grossenbacker, J. J.	RAdm	Deputy Director, Submarine Warfare Division (N87), Office of the Chief of Naval Operations	2
Gunn, T.	Capt	Commanding Officer, Southwest Division, Naval Facilities Engineering Command	1
Hagen, D. F.	VAdm	Chief, Bureau of Medicine and Surgery	5
Hamm, E. R.	Capt	Commanding Officer, Engineering Field Activity Chesapeake, Naval Facilities Engineering Command	4
Hannas, M. D.	Civ	Acting Deputy Assistant Judge Advocate General, Claims and Tort Litigation	5
Hardy, D. M.	Capt	Fleet Judge Advocate, United States Naval Forces Europe	3
Hayden, W.	RAdm	Chief of Naval Air Training, Naval Education and Training Command	46
Herrera, H. F.	RAdm	Commander, Submarine Group NINE, United States Pacific Fleet	4
Higginbotham, G. P.	BrigGen	Commanding General, 1st Force Service Support Group, Camp Pendleton, CA, United States Marine Corps	4
Hlinka, G.	Cdr	Deputy Assistant Judge Advocate General, Investigations	543
Holder, G. S.	RAdm	Commander, Naval Base, Pearl Harbor, United States Pacific Fleet	22
Horne, R. J.	Capt	Assistant Vice Chief of Naval Operations (N09B), Office of the Chief of Naval Operations	1
Ihlenfeld, D. L.	Capt	Commander, Amphibious Group THREE, United States Pacific Fleet	1
Irvin, E. E.	Cdr	Staff Judge Advocate Commander, Naval Base Norfolk, United States Atlantic Fleet	30
Johnson, G. W.	Civ	Director, Civilian Human Resources Office, East Cherry Point, NC, United States Marine Corps	4
Johnson, M. R.	Capt	Commanding Officer, Southwest Division, Naval Facilities Engineering Command	1

Jones, D. A.	Cdr	Acting Commanding Officer, Northern Division, Naval Facilities Engineering Command	1
Jones, R. A.	Capt	Director, Admin Support Division, Navy-Marine Corps Appellate Review Activity (NAMARA)	24
Kaskin, J. D.	Civ	Director, Logistics Plans and Policy/Strategic Sealift Programs Division (N42), Office of the Chief of Naval Operations	1
Kavanaugh, J. T.	RAdm	Commander, Navy Exchange Service Command, Naval Supply Systems Command	4
Kelly, L. J.	Civ	Director of Administration & Resources Management, Headquarters United States Marine Corps	11
Kenney, S. A.	LtCdr	Staff Judge Advocate, Naval Postgraduate School	1
Kotzen, P. F.	Civ	Deputy Inspector General	89
Kristensen, E. K.	RAdm	Commander, Logistics Group TWO, United States Atlantic Fleet	1
Kubic, C. R.	Capt	Vice Commander, Atlantic Division, Naval Facilities Engineering Command	6
Lagomarsino, T. S.	Capt	Commander, Naval Training Center Orlando, Naval Education and Training Command	1
Little, W.	LtCdr	Acting Deputy Assistant Judge Advocate General, Investigations	70
Marks, N. A.	Capt	Chief of Staff, Submarine Group TEN, United States Atlantic Fleet	2
Mazach, J. J.	RAdm	Director, Strategy & Policy Division (N51), Office of the Chief of Naval Operations	2
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McCullough, L. A.	Capt	Fleet Judge Advocate, COMSIXFLt, United States Naval Forces Europe	1

McCurry, R. A.	Capt	Deputy Commander, Navy Recruiting Command	3
McKissock, G. S.	BrigGen	Commanding General, 1st Force Service Support Group, Camp Pendleton, CA, United States Marine Corps	2
McMahon, K. P.	Cdr	Deputy Assistant Judge Advocate General, Admiralty	5
McPherson, J. E.	Cdr	Force Judge Advocate, Commander Submarine Force Atlantic, United States Atlantic Fleet	2
Meade, C. A.	Cdr	Special Assistant for Legal, Navy Recruiting Command	4
Miller, S. E.	Civ	Attorney, Naval Warfare Center, China Lake, Naval Air Systems Command	57
Moeller, R. L.	RAdm	Vice Commander, Naval Facilities Engineering Command	1
Mollison, R. M.	Capt	Director, Admin Support Division (NAMARA)	20
Mooberry, W. J.	Capt	Executive Director, Naval Safety Center	99
Moore, E.	RAdm	Commander, Cruiser-Destroyer Group THREE, United States Pacific Fleet	2
Moore, E., Jr.	RAdm	Commandant, Naval District of Washington	1
Moore, R. M.	RAdm	Commander, Naval Supply Systems Command	2
Morin, G. S.	LtCol	Deputy Director, Manpower Division, Quantico, VA, United States Marine Corps	3
Munninghoff, J. M.	Capt	Commanding Officer, Naval Air Station, Key West, United States Atlantic Fleet	1
Murphy, K. J.	RAdm	Commander, Cruiser-Destroyer Group EIGHT, United States Atlantic Fleet	1
Muth, C. C.	Civ	Counsel, Naval Facilities Engineering Command	7
Nanos, G. P.	RAdm	Director, Strategic Systems Programs	5
Nash, D. J.	RAdm	Commander, Pacific Division, Naval Facilities Engineering Command	1

Naugle, K. J.	Cdr	Director, Admin Support Division(NAMARA)	3
Neubauer, R. D.	Cdr	Staff Judge Advocate, Naval Air Systems Command	30
Newcomb, J. F.	Cdr	Acting Commanding Officer, Naval Support Activity Naples, United States Naval Forces Europe	1
Oliver, J. T.	Capt	Deputy Assistant Judge Advocate General, Administrative Law	15
Olson, J. D.	RAdm	Commander, Naval Reserve Force	10
Ostag, W. P.	Cdr	Commanding Officer, Engineering Field Activity Northwest, Naval Facilities Engineering Command	3
Ouellette, R. E.	Capt	Assistant, Judge Advocate General, Military Justice	3
Pannell, R. N.	Civ	Deputy Director of Administration & Resources Management, Headquarters United States Marine Corps	1
Parker, S. J.	Maj	Deputy Staff Judge Advocate, Naval Criminal Investigative Service	654
Peters, R. K.	Civ	Director, Civilian Personnel Management	3
Phillips, R. L.	Capt	Executive Officer, Naval Construction Battalion Center, Port Hueneme, Naval Facilities Engineering Command	1
Pixa, R. R.	Capt	Staff Judge Advocate, Naval Air Systems Command	173
Preda, S. D.	Maj	Command Adjutant, Quantico VA, United States Marine Corps	22
Prochazka, F. J.	Capt	Force Judge Advocate Commander, Naval Surface Force, United States Atlantic Fleet	3
Quast, P. M.	VAdm	Commander, Military Sealift Command	2
Randall, T. E.	Capt	Fleet Judge Advocate, United States Naval Forces Europe	2

Rannenber, J.	Capt	Director, Contracting Directorate, Naval Information Systems Management Center	35
Ress, R. G.	Civ	Counsel, Marine Corps Air Bases Western Area, El Toro, Santa Ana, CA, United States Marine Corps	2
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Russo, F. V.	Cdr	Staff Judge Advocate, Naval Base, San Diego, United States Pacific Fleet	9
Saalfeld, F. E.	Civ	Deputy Chief/Technical Director, Office of Naval Research	1
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Sareeram, R. R.	RAdm	Director, Supply Programs and Policy Division (N41), Office of the Chief of Naval Operations	1
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Semko, P. S.	RAdm	Commandant, Naval District of Washington	1
Sesser, R. J., Jr.	Capt	Commander, Submarine Group NINE, United States Pacific Fleet	2
Shaffer, R. L.	Civ	Auditor General of the Navy	4
Shore, J. F.	Capt	Commanding Officer, Naval Air Station, Whidbey Island, United States Pacific Fleet	37

Simms, R. G.	Capt	Commander, Naval Activities, Spain, United States Naval Forces Europe	3
Sinclair, N. A.	Lt	Staff Judge Advocate, Naval Security Group Command	18
Smith, B. J.	RAdm	Commander, Carrier Group FIVE, United States Pacific Fleet	1
Smith, G. J.	Lt	Staff Judge Advocate, Naval Support Activity Naples, United States Naval Forces Europe	2
Smith, R. C.	RAdm	Commander, Naval Special Warfare Command	1
Snyder, J. W.	RAdm	Acting Director, Navy IPO	1
Southgate, G. V.	Capt	Commander, Naval Training Center Orlando, Naval Education and Training Command	2
Spane, R. J.	VAdm	Commander, Naval Air Force, Pacific, United States Pacific Fleet	20
Spearman, W. C.	Capt	Chief of Staff, Fleet Air Keflavik, United States Atlantic Fleet	1
Spindler, R. P.	Civ	Attorney, Naval Warfare Center, China Lake, Naval Air Systems Command	79
Starr, M. W.	Lt	Staff Judge Advocate, Naval Intelligence Command	49
Sterner, G. R.	VAdm	Commander, Naval Sea Systems Command	56
Stevens, G. A.	Capt	Commanding Officer, Naval Support Activity, Naples, United States Naval Forces Europe	2
Stuckert, B. T.	Capt	Commander, Naval Activities, Spain, United States Naval Forces Europe	7
Taylor, P. E.	Capt	Commander, Submarine Group NINE, United States Pacific Fleet	1
Taylor, T. R.	Cdr	Force Judge Advocate, Naval Air Force Atlantic, United States Atlantic Fleet	2
Tedeschi, E. F., Jr.	RAdm	Commander, Combat Logistics Group ONE, United States Pacific Fleet	1



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Tomiak, W. W.	Capt	Acting Commander, Pacific Division, Naval Facilities Engineering Command	5
Town, C. S.	Col	Commander, 1st Force Service Support Group, Camp Pendleton, CA, United States Marine Corps	1
Tyler, R. S.	Capt	Commanding Officer, Southern Division , Naval Facilities Engineering Command	2
Wagner, G. F. A.	RAdm	Commander, Space and Naval Warfare Systems Command	3
Wallace, E. C.	Capt	Deputy for Operations, United States Naval Academy	5
Walsh, D. F.	Capt	Commanding Officer, Engineering Field Activity Northwest, Naval Facilities Engineering Command	6
Walsh, R. F.	Capt	Legal Counsel, Bureau of Naval Personnel	76
Wang, P. P.	Lt	Staff Judge Advocate, Naval Computer and Telecommunications Command	1
Waters, W.A.	Capt	Commanding Officer, Northern Division, Naval Facilities Engineering Command	18
Watson, A. J.	RAdm	Commander, Navy Recruiting Command	3
White, D. M.	Capt	Staff Judge Advocate, Naval Base, Seattle, United States Pacific Fleet	2
White, R. D.	Cdr	Staff Judge Advocate, Naval Base, Seattle, United States Pacific Fleet	2
Williams, R. R.	Capt	Acting Director, Operations, Plans and Politico-Military Affairs (N31/N52), Office of the Chief of Naval Operations	3
Wistes, R. B.	Cdr	Staff Judge Advocate, Naval Base, San Diego, United States Pacific Fleet	2

Womack, S. M.	LtCol	Staff Judge Advocate, Marine Corps Air Bases Western Area, El Toro, Santa Ana, CA, United States Marine Corps	7
Woods, H. F.	Cdr	Commanding Officer, Naval Support Activity La Maddalena, United States Naval Forces Europe	1
Wright, T. W.	VAdm	Chief, Naval Education and Training Command	2
Wynn, A. L.	Capt	Commanding Officer, Public Works Center San Francisco, Naval Facilities Engineering Command	1
Zorica, J. W.	Capt	Executive Officer, Engineering Field Activity Chesapeake, Naval Facilities Engineering Command	4

### **DEPARTMENT OF THE AIR FORCE**

Anderson, Marcus A.	LtGen	The Inspector General	1
Andrews, Victor C.	Col	Vice Superintendent, Air Force Academy	27
Bagley, Samuel S.	LtCol	Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	11
Batten, Frank M.	Civ	Chief, Information Release Division, Air Force Office of Special Investigations	745
Baurlein, Robert D.	Civ	Deputy Under Secretary International Affairs, Office of the Secretary of the Air Force	3
Blankenbeker, Joan W.	Col	Director, Information Management, Air Education and Training Command	57
Block, David O.	Maj	Acting Director, Information Management, Air Force Space Command	3
Blum, Gary R.	Col	Acting Director, Military Personnel Policy, Deputy Chief of Staff, Personnel, Headquarters United States Air Force	1
Boesch, Eugene F.	Civ	Assistant for Special Program Oversight, Office of the Administrative Assistant to the Secretary of the Air Force	2

Boles, Billy J.	LtGen	Deputy Chief of Staff, Personnel, Headquarters United States Air Force	3
Bowen, William P.	Col	Staff Judge Advocate, Warner Robins Air Logistics Center, Air Force Materiel Command	30
Bracher, Phillip E.	MajGen	Director, Plans, Policy and Resources, Deputy Chief of Staff, Command, Control, Communications, and Computers, Headquarters United States Air Force	1
Bruinooge, Jon P.	Civ	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	4
Burklund, Bernard B., Jr.	Col	Commander, Air Force Safety Agency	66
Burr, H. Hale, Jr.	MajGen	Assistant Deputy Under Secretary International Affairs, Office of the Secretary of the Air Force	1
Campbell, Frank B.	BrigGen	Director, Forces, Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	3
Chapman, Thomas N.	Col	Chief, Information Management, Air Combat Command	165
Chavis, Dullivan C.	LtCol	Acting Director, Information Management, Pacific Air Forces	8
Coacher, Leellen	Maj	Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	1
Corso, Andrew A.	Civ	Acting Chief, Security Police, Headquarters United States Air Force	1
Crawford, Jackie R.	Civ	The Auditor General	1
Culkowski, V. W.	Civ	Deputy Director, Intelligence Plans and Requirements, Assistant Chief of Staff, Intelligence, Headquarters United States Air Force	1
Daniel, Larry D.	Col	Vice Commander, National Air Intelligence Center, Air Intelligence Agency	5
Dimitt, Ted A.	Maj	Acting Director, Information Management, Air Force Reserves	7

Druyen, Darleen A.	Civ	Deputy Assistant Secretary, Acquisition, Office of the Secretary of the Air Force	5
Dula, Leslie M.	Col	Chief, Information Management, Air Mobility Command	138
Eickmann, Kenneth E.	MajGen	Commander, Oklahoma City Air Logistics Center, Air Force Materiel Command	2
Euretig, Joseph G.	Col	Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	24
Fain, James A., Jr.	LtGen	Assistant Vice Chief of Staff, Headquarters United States Air Force	2
Fairchild, Deborah A.	LtCol	Chief, Information Resources, Air Force Command, Control, Communications and Computers Agency	1
Fortuna, John A.	Civ	Deputy to the Commander, Air Force Services Agency	1
Fox, Charles L.	Col	Deputy Director, Legislative Liaison, Office of the Secretary of the Air Force	3
Furcron, Wyckliff S.	Maj	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	8
Gilmore, Deborah A.	Civ	Chief, Administrative Services Division, National Guard Bureau	42
Gordon, Marilyn A.	LtCol	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	2
Habiger, Eugene E.	LtGen	Deputy Chief of Staff, Personnel, Headquarters United States Air Force	10
Hale, Robert	Civ	Assistant Secretary of the Air Force, Financial Management and Comptroller, Office of the Secretary of the Air Force	4
Hannan, Stephen J.	Civ	Director of Information Systems Support, Air Reserve Personnel Center	7
Henabray, William M.	Col	Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	38
Higham, James L.	BrigGen	Vice Commander, Air Force Special Operations Command	6

Holt, Lake B.	Col	Staff Judge Advocate, Warner Robins Air Logistics Center, Air Force Materiel Command	18
Hopson, Everett G.	Civ	Chief, General Law Division, Office of The Judge Advocate General, Headquarters United States Air Force	1
Howard, Olin A.	Civ	Director, Communications, Air Force Materiel Command	6
Idrogo, Samuel	Civ	Chief, Commander's Action Office, San Antonio Air Logistics Center, Air Force Materiel Command	7
Jones, Michael L.	Col	Director, Information Management, United States Air Forces in Europe	87
Katahara, Lester K.	Col	Staff Judge Advocate, Ogden Air Logistics Center, Air Force Materiel Command	4
Kenyon, Steele M.	Maj	Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	1
Kloeber, Peter K.	Col	Commander, Air Force Civil Engineer Support Agency	1
Koenig, Robert F., Jr.	Col	Director, Information Management, Air Force Space Command	84
Land, Mark R.	Maj	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	1
Larson, Eric Y.	Col	Vice Commander, Air Force Technical Applications Center	2
Lender, Steven N.	Col	Staff Judge Advocate, Air Force Flight Test Center, Air Force Materiel Command	5
Lepper, Edward C.	Maj	Acting Chief, Information Management, Air Intelligence Agency	2
Linhard, Robert E.	MajGen	Director, Plans, Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	1
Lowas, Albert F.	Civ	Deputy Director, Air Force Base Conversion Agency	1

Malandrino, J. P.	Col	Chief, Inquiries Division, Inspector General, Office of the Secretary of the Air Force	1
Marro, Michael	LtCol	Acting Director, Information Management, Air Education and Training Command	23
May, Kerry	Col	Chief, Ground Safety Nuclear Surety, Air Force Safety, Headquarters United States Air Force	1
Mayo, Leon	LtCol	Acting Chief, Information Management, Air Mobility Command	26
McBride, James W.	Col	Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	30
McCladdie, Willie	Col	Acting Director, Communications, Air Force Materiel Command	2
McGinty, Michael E.	MajGen	Acting Deputy, Chief of Staff, Personnel, Headquarters United States Air Force	2
McNamara, Roger T.	Civ	Attorney Advisor, General Counsel, Office of the Secretary of the Air Force	2
McPherson, Carl L.	Col	Director, Command Staff, Air Force Special Operations Command	1
Miller, Brian D.	Col	Director, Information Management, Pacific Air Forces	74
Mueller, George K.	LtGen	Principal Deputy Director, Acquisition, Office of the Secretary of the Air Force	1
Nii, Darryl L.	LtCol	Director, Mission Support, Air Force Personnel Center	49
Nowak, Craig R.	LtCol	Acting Staff Judge Advocate, Air Force Development Test Center, Air Force Materiel Command	11
Nowak, John M.	LtGen	Director, Supply, Deputy Chief of Staff, Logistics, Headquarters United States Air Force	1
Page, Roland J.	Col	Vice Commander, Air Force Safety Agency	6
Patterson, Eric L.	LtCol	Director, Security and Special Program Oversight, Office of the Administrative Assistant to the Secretary of the Air Force	20

Pelak, Andrew, Jr.	BrigGen	Acting Deputy Chief of Staff, Personnel, Headquarters United States Air Force	4
Peterson, Richard A.	Civ	Acting Chief, General Law, Judge Advocate General, Headquarters United States Air Force	19
Ralston, Joseph W.	LtGen	Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	1
Rathje, Norman F.	Col	Vice Commander, Air Force Personnel Center	5
Reynolds, Gerald E.	Civ	Deputy Director, Plans and Requirements, Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	4
Rhodes, Robert N.	Col	Chief, Inquiries, Inspector General, Office of the Secretary of the Air Force	119
Roadman, Charles H.	MajGen	Director, Air Force Medical Operations Agency, Air Force Surgeon General, Headquarters United States Air Force	8
Robb, Jeffrey L.	Maj	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	6
Ronsick, Eugene J.	Col	Director, Command Staff, Air Force Special Operations Command	10
Ross, Walter H.	LtCol	Chief, Information Management, Air Intelligence Agency	36
Rowell, Gary L.	LtCol	Acting Staff Judge Advocate, Warner Robins Air Logistics Center, Air Force Materiel Command	1
Sams, John B., Jr.	MajGen	Director, Forces, Deputy Chief of Staff, Plans and Operations, Headquarters United States Air Force	2
Schlecter, Alvin E.	Col	Staff Judge Advocate, Air Force Development Test Center, Air Force Materiel Command	66
Schlegel, Thomas E.	Col	Staff Judge Advocate, Air Force Flight Test Center, Air Force Materiel Command	5
Sgroi, Anthony	LtCol	Acting Chief, Information Management, Air Combat Command	21

Shaffer, Glen D.	Col	Commander, Air Force Technical Applications Center	16
Smallwood, Glenn H.	Col	Acting Director of Communications	20
Smith, Scott M.	LtCol	Military Assistant, Administrative Assistant to the Secretary of the Air Force	1
Sobota, Anne E.	Maj	Acting Chief, Information Management, Air Combat Command	10
Stanford, Kenneth L.	Col	Vice Commander, Air Force Technical Applications Center	1
Stein, Paul E.	LtGen	Superintendent, Air Force Academy	2
Stephens, William E.	Col	Director, Inspections, Inspector General, Headquarters United States Air Force	1
Sullivan, James M.	Col	Commander, 497 Intelligence Group, Air Intelligence Agency	3
Teiber, Joseph F., Jr.	Col	Director, Information Management, Air Force Reserves	16
Toews, Georgette M.	Col	Acting Director, Mission Support, Air Force Personnel Center; Director, Mission Support, Air Force Personnel Center	47
Trapp, Lanford E.	BrigGen	Deputy Director, Legislative Liaison, Office of the Secretary of the Air Force	2
Upschulte, Phillip P.	Civ	Principal Assistant Secretary, Manpower, Reserve Affairs, Installations and Environment, Office of the Secretary of the Air Force	11
Walker, Johnny R.	Maj	Acting Chief, Information Management, Air Combat Command	5
Walmsley, Robin D.	Maj	Acting Staff Judge Advocate, Sacramento Air Logistics Center, Air Force Materiel Command	1
Walters, Charles W.	Col	Vice Commander, 11th Wing	8
Walters, Tom H., Jr.	Col	Acting Director, Progrms and Evaluation, Headquarters United States Air Force	1



Washabaugh, Walter M.	Col	Acting Director, Information Management, Air Education and Training Command	14
White, Eugene	Civ	Chief, Information Security Division, Air Force Security Police, Headquarters United States Air Force	1
Wilder, Harlan G.	Civ	Chief, General Law, Judge Advocate General, Headquarters United States Air Force	7
Wilson, John K., III	Col	Deputy Director, Legislative Liaison, Office of the Secretary of the Air Force	2
Wingfield, Stephen R.	Col	Commander, Air Force Services Agency	3
Wolff, Robert D.	Civ	Deputy Civil Engineer, Headquarters United States Air Force	1
Woltoff, Rod A.	Maj	Staff Judge Advocate, Human Systems Center, Air Force Materiel Command	3
Yanker, Gerald L.	Civ	Executive Director, Oklahoma City Air Logistics Center, Air Force Materiel Command	8

**DEFENSE CONTRACT AUDIT AGENCY**

Buhre, Richard R.	Civ	Regional Director, Eastern Region	3
Cherry, C. T.	Civ	Regional Director, Central Region	8
Matter, Robert W.	Civ	Regional Director, Western Region	8
Summers, Francis P.	Civ	Regional Director, Northeastern Region	2
Woulhueter, Robert	Civ	Chief, Information Resources Management Branch, Headquarters	6

**DEFENSE FINANCE AND ACCOUNTING SERVICE**

Bitz, Gregory P.	Civ	Director, Defense Finance and Accounting Service-Indianapolis Center	9
Hudson, Phyllis M.	Civ	Director, Defense Finance and Accounting Service-Cleveland Center	1
Nabil, John S.	Civ	Director, Defense Finance and Accounting Service-Denver Center	8
Turner, Steve E.	Civ	Director, Defense Finance and Accounting Service-Kansas City Center	5

**DEFENSE INTELLIGENCE AGENCY**

Richardson, Robert P.	Civ	Chief, Freedom of Information Act Staff	344
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**DEFENSE INVESTIGATIVE SERVICE**

Hartig, Dale L.	Civ	Chief, Office of Information and Public Affairs	47
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**DEFENSE INFORMATION SYSTEMS AGENCY**

Chadick, M. Susan	Civ	General Counsel	19
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**DEFENSE LOGISTICS AGENCY**

Baird, Bruce	Civ	General Counsel	2
Beauchamp, Roy E.	BrigGen	Commander, Defense Industrial Supply Center	7
Cantor, Charles M.	Civ	Executive Director, Business Management, Defense Logistics Agency Systems Design Center	2
Casey, Michael W.	Capt	Commander, Defense Distribution Region West	14
Castleberry, John M.	Col	Chief of Staff, Defense Personnel Support Center	28
Elliot, Ernest A.	RAdm	Commander, Defense Construction Supply Center	8
Finley, M. E.	Capt	Commander, Defense General Supply Center	5
Gould, Jeffrey P.	Capt	Commander, Defense Contract Management District North	2
Hempson, Donald A., Jr.	Capt	Commander, Defense Reutilization and Marketing Service	4
Higginbotham, G. B.	BrigGen	Commander, Defense Industrial Supply Center	3
Hinebaugh, James C.	Col	Commander, Defense Distribution Region East	1
House, Jonathan W.	Col	Commander, Defense Electronic Supply Center	5
Ketts, R. L.	Capt	Commander, Defense Contract Management District West	14
Labounty, James W.	Col	Commander, Defense Distribution Region West	7
Lehmann, Miles R.	Col	Staff Director, Command Security	19
MacKinlay, William	Col	Commander, Defense Contract Management District North	12
Martinez, Raul	Civ	Administrator, Defense Administrative Support Center	11
Pinion, E. W.	Capt	Commander, Defense Logistics Agency Pacific	1
Scott, Robert	Civ	Executive Director, Contract Management	1

Steigleman, Anthony E.	Capt	Commander, Defense Distribution Region West	3
Thompson, Lonnie L.	Civ	Deputy, Defense Logistics Agency Systems Design Center	1
Watts, Lloyd T., Jr.	Col	Commander, Defense Contract Management District South	7
Wilson, Leon A.	BrigGen	Commander, Defense Fuel Supply Center	8
Wright, Dennis L.	Capt	Commander, Defense Contract Management Command International	1

**DEFENSE MAPPING AGENCY**

Black, David L.	Civ	Deputy Director, Command Information	21
Meehan, Terence S.	Civ	Director, Command Information	15

**DEFENSE NUCLEAR AGENCY**

Ullrich, George W.	Civ	Deputy Director	36
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**NATIONAL RECONNAISSANCE OFFICE**

Casey, Patricia O.	Civ	Director, External Relations	25
Kingsley, Mary Jo	Civ	Chief, Information Access and Release Center	3

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Cavanaugh, James P.	Civ	Deputy Director of Policy	381
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**OFFICE OF THE INSPECTOR GENERAL, DOD**

Dulacki, Nadine K.	Civ	Chief, Freedom of Information/Privacy Act Office	306
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## Item 4

### Appeal Determinations

Component	Total Requests	Granted in Full	Denied in Part	Denied in Full	Other	Total Actions*
OSD/JS	110	8	40	7	58	113
Dept Army	56	8	13	33	2	56
Dept Navy	452	22	61	209	160	452
Dept Air Force	50	5	3	40	2	50
DCAA	3	0	0	2	1	3
DFAS	27	27	0	0	0	27
DIA	41	0	33	8	0	41
DIS	4	0	1	1	2	4
DISA	0	0	0	0	0	0
DLA	17	0	6	8	3	17
DMA	5	0	0	4	1	5
DNA	4	2	0	0	2	4
NRO	3	0	1	0	2	3
NSA/CSS	76	9	12	15	40	76
OIG, DOD	51	3	28	3	17	51
<b>DOD Totals</b>	<b>899</b>	<b>84</b>	<b>198</b>	<b>330</b>	<b>290</b>	<b>902</b>

\* Total Actions may exceed Total Requests because more than one action may be taken on a single request.

## Item 5(a)

### Exemptions Invoked on Appeal Determinations

Component	Exemptions by Number (5 U.S.C. 552(b))									Total*
	1	2	3	4	5	6	7	8	9	
OSD/JS	34	2	1	2	10	8	1	0	0	58
Dept Army	6	25	0	3	17	40	27	0	0	118
Dept Navy	15	13	6	11	83	126	117	0	0	371
Dept Air Force	1	1	0	1	21	9	15	0	0	48
DCAA	0	0	0	0	2	0	0	0	0	2
DFAS	0	0	0	0	0	0	0	0	0	0
DIA	35	26	0	0	0	22	0	0	0	83
DIS	0	1	0	0	1	1	1	0	0	4
DISA	0	0	0	0	0	0	0	0	0	0
DLA	0	1	0	3	4	6	4	0	0	18
DMA	0	0	0	1	4	1	1	0	0	7
DNA	0	0	0	0	0	0	0	0	0	0
NRO	1	0	1	0	0	0	0	0	0	2
NSA/CSS	24	2	67	0	0	1	1	0	0	95
OIG, DOD	0	0	1	0	5	13	29	0	0	48
<b>DOD Totals</b>	<b>116</b>	<b>71</b>	<b>76</b>	<b>21</b>	<b>147</b>	<b>227</b>	<b>196</b>	<b>0</b>	<b>0</b>	<b>854</b>
<b>Percent of Total</b>	<b>14%</b>	<b>8%</b>	<b>9%</b>	<b>2%</b>	<b>17%</b>	<b>27%</b>	<b>23%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>

\* Total may not agree with denials in Item 4 because of cases where two or more exemptions were cited.

## Item 5(b)

### Statutes Invoked on Appeal Determinations

Statute						Total
	OSD/ JS	Navy	NRO	NSA/ CSS	OIG, DOD	
10 USC 1102 (f)		2				2
18 USC 798				20		20
41 USC 423		2				2
42 USC 290 dd-3		1				1
42 USC 2161-2168, P.L. 703	1	1				2
50 USC 401 et seq., as amended, Sec 403-3 (c)(5)			1	21		22
50 USC 402 Note, Sec 6, P.L. 86-36				26		26
Rule 6(e), Federal Rules of Criminal Procedure					1	1
<b>Agency Totals</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>67</b>	<b>1</b>	<b>76</b>

## Item 5(c)

### Other Reasons Cited on Appeal Determinations

Component	Category*						Total
	1	2	3	4	5	6	
OSD/JS	20	12	0	2	24	0	58
Dept Army	0	0	0	0	0	2	2
Dept Navy	24	61	1	37	37	0	160
Dept Air Force	0	0	0	0	2	0	2
DCAA	0	1	0	0	0	0	1
DFAS	0	0	0	0	0	0	0
DIA	0	0	0	0	0	0	0
DIS	1	0	0	1	0	0	2
DISA	0	0	0	0	0	0	0
DLA	0	0	0	0	3	0	3
DMA	1	0	0	0	0	0	1
DNA	1	1	0	0	0	0	2
NRO	0	2	0	0	0	0	2
NSA/CSS	0	35	0	4	1	0	40
OIG, DOD	8	5	0	1	3	0	17
<b>DOD Totals</b>	<b>55</b>	<b>117</b>	<b>1</b>	<b>45</b>	<b>70</b>	<b>2</b>	<b>290</b>

**\* Types of Categories**

1. Transferred Request
  2. Lack of Records
  3. Failure of Requester to Reasonably Describe Record
  4. Other Failures by Requester to Comply with Published Rules and/or Directives
  5. Request Withdrawn by Requester
  6. Not an Agency Record
- (see page 8 for description of each category)



## Item 6

### Appeal Denial Authorities by Participation

Name	Rank	Title	Number of Instances
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#### OSD/JS

Bacon, Kenneth H.	Civ	Assistant to the Secretary of Defense (Public Affairs)	1
Bernath, Clifford H.	Civ	Principal Deputy Assistant to the Secretary of Defense (Public Affairs)	45
Taylor, Robert W.	Civ	Principal Deputy Assistant Secretary of Defense (Public Affairs)	1

#### DEPARTMENT OF THE ARMY

Baskir, Lawrence L.	Civ	Principal Deputy General Counsel, Office of the Army General Counsel	7
Berry, Peter T.	MajGen	Commanding General, Criminal Investigative Command	30
Doherty, Daniel A.	BrigGen	Commanding General, Criminal Investigative Command	1
Stockdale, Earl H.	Civ	Deputy General Counsel, Office of the Army General Counsel	8

#### DEPARTMENT OF THE NAVY

Angrist, E. P.	Civ	Deputy General Counsel	32
Bowman, M. E.	Capt	Deputy Assistant Judge Advocate General (General Litigation)	110
Henebery, J.	Capt	Deputy Assistant Judge Advocate General (General Litigation)	75

Honigman, S. S.	Civ	General Counsel	1
Monahan, R. P.	Cdr	Deputy Assistant Judge Advocate General (General Litigation)	52

**DEPARTMENT OF THE AIR FORCE**

Willson, Walter A.	Civ	Deputy General Counsel (Civilian Personnel and Fiscal Law), Office of the Secretary of the Air Force	43
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**DEFENSE CONTRACT AUDIT AGENCY**

Van Santen, John	Civ	Assistant Director, Resources	2
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**DEFENSE FINANCE AND ACCOUNTING SERVICE**

None

**DEFENSE INTELLIGENCE AGENCY**

Berbrich, John T.	Civ	Chief of Staff	41
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**DEFENSE INVESTIGATIVE SERVICE**

Donnelly, John F.	Civ	Director	2
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**DEFENSE INFORMATION SYSTEMS AGENCY**

None

**DEFENSE LOGISTICS AGENCY**

Babbitt, George T.	MajGen	Principal Deputy Director	1
Farrell, Lawrence P., Jr.	LtGen	Principal Deputy Director	1
McCoy, Ray E.	MajGen	Principal Deputy Director	6
Straw, Edward M.	VAdm	Director	6

**DEFENSE MAPPING AGENCY**

Urbik, Lawrence W.	Capt	Chief of Staff	4
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**DEFENSE NUCLEAR AGENCY**

None

**NATIONAL RECONNAISSANCE OFFICE**

Hill, J. D.	Civ	Deputy Director	1
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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

Adams, Ralph W.	Civ	Executive Director	4
Crowell, William P.	Civ	Deputy Director	23

**OFFICE OF THE INSPECTOR GENERAL, DOD**

Lutsch, Nicholas T.	Civ	Assistant Inspector General, Administration and Information Management	31
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## Item 7

### Court Opinions and Actions Taken

#### DEPARTMENT OF DEFENSE

**Public Education Center v. Department of Defense**, C.A. No. 95-CV-00946, U.S.D.C. D.C. Plaintiff sought access to classified special operations videos of the battle of Mogadishu, Somalia, which had been withheld pursuant to 5 UCS 552 (b)(1). Defendant submitted a classified Vaughn Index justifying continued withholding of the videos. Court ruled in favor of defendant on November 17, 1995.

**General Dynamics v. Department of Defense**, C.A. No. 93-0256, U.S.D.C. D.C. Plaintiff filed a complaint to compel the Defense Acquisition Regulatory Office to produce deliberative, pre-decisional documents withheld under 5 USC 552 (b)(5). Stipulation of dismissal filed without prejudice on June 6, 1994.

**Jeffrey C. Weinstock v. Department of Defense**, C.A. No. 91-1646, U.S.D.C. D.C. Plaintiff filed a complaint to compel the Defense Acquisition Regulatory Office to produce deliberative, pre-decisional documents withheld under 5 USC 552 (b)(5). Stipulation of dismissal filed without prejudice on December 19, 1994.

**E. Mabry Rogers v. National Reconnaissance Office, Department of Defense, Central Intelligence Agency, and Department of the Air Force**, C.A. No. CV-94-B-2934-S, U.S.D.C.N.D. AL. Suit for all records on the National Reconnaissance Office construction project near Dulles Airport. The DoD released several documents, while referring others to the National Reconnaissance Office and the Central Intelligence Agency for determination. The court dismissed DoD and the Air Force from the suit, while retaining the remainder of defendants in an Open America stay.

#### DEPARTMENT OF THE ARMY

**Moore v. United States**, C.A. No. 93-1797, U.S.D.C. D.C. Plaintiff sued challenging the Army's "no records" response to plaintiff's request for certain documents relating to the Panama Canal. The court, concluding that the Army had conducted a thorough search, nevertheless gave plaintiff the option of paying for an additional search. The Army estimated a second search would cost \$360.00.

**Wavra v. Department of the Army**, C.A. No. 94-0837, U.S.D.C. D.C. Pro se plaintiff submitted FOIA requests seeking documents relating to "Six million dollar man information" and similar "space-age projects." Plaintiff sued challenging the Army's responses. The court granted the Army's motion for summary judgment and dismissed the complaint.

**Joseph A. Chenkin v. Department of the Army, et al.**, C.A. No. 94-7109, Third Circuit, Philadelphia, PA. The U.S. Court of Appeals affirmed the judgment of the District Court entered January 14, 1994, with costs taxed against Appellant. The appeal was based on the District Court's finding in favor of the Government and granting judgment sustaining the denial of information to Mr. Chenkin.

**Southwest Center for Biodiversity, et al. v. U.S. Army Corps of Engineers**, C.A. No. 94-2570-PHX-EHC, U.S.D.C. AZ. Plaintiff filed suit for defendant's refusal to release draft E.A. NEPA documents on the Wellton-Mohawk Flood Control Project under exemption (b)(5) on predecisional grounds. Subsequently, the documents were released to plaintiff and the case was settled on July 20, 1995.

### **DEPARTMENT OF THE NAVY**

**CM Manufacturing Inc. v. Department of the Navy**, C.A. No. 93-CV-2251, U.S.D.C.N.D. OH. Case involved the withholding of drawings by the Naval Air Systems Command (NAVAIR). On January 13, 1994, the court denied defendant's motion for a protective order stating that the motion "may be refiled following the filing of a dispositive motion." A motion for summary judgment was filed on April 1, 1994. CM filed its memorandum in opposition on May 5, 1994. On June 3, 1994, the government filed a reply brief. CM submitted a memorandum in opposition on June 8, 1994, asserting that the government reply brief was untimely. The magistrate who supervises pre-trial matters, reviewed the motions and recommended to Judge Oliver on January 4, 1995, that the court deny the government's motion for summary judgment. The government filed its objections to the recommendation on January 18, 1995. CM filed a memorandum in support of the recommendations on February 6, 1995. On August 25, 1995, the court adopted the Magistrate Judge's Report and Recommendation and denied the motion for summary judgment.

**Nathaniel Just v. Department of Navy**, C.A. No. 95-3394-18AJ, U.S.D.C. SC. This Charleston Naval Shipyard case pro se involving a "no records" denial of plaintiff's FOIA appeal. The Government filed a motion to dismiss on December 18, 1995.

**Christine Leonardich v. Department of the Navy**, C.A. No. C93-0167-TEH, U.S.D.C.N.D. CA. This is a civil rights action alleging unlawful sex discrimination with four causes of action and a fifth cause of action under the Freedom of Information Act for failure to provide to plaintiff a copy of an investigative report by the Criminal Intelligence Division which bears on her civil rights complaint. A status hearing was held on April 12, 1993. The Navy filed a motion for a stay and to bifurcate the FOIA action. Based on a settlement by the parties, on November 22, 1994, the court ordered the case dismissed with prejudice after the passage of 90 days to allow either party to request the order to be vacated. Neither party did so and the case was dismissed on February 22, 1995.

**Isabelita Lawler v. Department of the Navy**, C.A. No. 94-11827-S (BTM), U.S.D.C. CA. Case involved FOIA request submitted on August 5, 1994, seeking copies of contracts between the government and John Greene Corporation and Alcorn Fence regarding the installation and maintenance of a power gate outside the Outlying Field, Imperial Beach Commissary in Imperial Beach, California as well as maintenance records and records showing installation. Complaint alleged that the Navy failed to disclose the records and that the plaintiff has thereby exhausted administrative remedies. The Navy filed a motion to dismiss or for summary judgment on January 22, 1995. The case was dismissed without prejudice with each party to bear its own costs and attorney fees pursuant to a stipulation for dismissal on March 20, 1995.

**Tidewater Marine, Inc. v. Department of the Navy**, C.A. No. 95-CV-01688, U.S.D.C. D.C. Seeking injunctive relief under FOIA from withholding records. Records sought are abstracts of offers and evaluation of offerors in a negotiated procurement (N623787-95-R-1304) for the time charter of up to two tugs for Mayport, Florida. A Joint Stipulation for dismissal without prejudice was filed by the parties on November 3, 1995.

**Carter Myers Dean v. Secretary of the Navy**, C.A. No. 94-CV-533, U.S.D.C.E.D. TN. Plaintiff requested the Safety Mishap Report (MIR) into his son's death. On May 4, 1994, the Navy sent a redacted copy of the report. Plaintiff appealed on June 20, 1994. Navy JAG denied the appeal on July 21, 1994. An advance copy of the JAGMAN investigation was forwarded to the family the week of October 31, 1994, with minimal redaction. MIR and declaration were prepared for an in camera review by court. Government's motion to dismiss granted August 21, 1995; time for an appeal has expired.

**John Desmond v. Department of the Navy and VA**, C.A. No. 91-11932-MLW, U.S.D.C. MA. Pro se plaintiff sought damages for alleged constitutional and intentional torts from the Navy and VA. Plaintiff was an active duty USNR ensign hospitalized and medically discharged as schizophrenic on July 15, 1985. Plaintiff requested and received hospital records under FOIA/Privacy Act. Alleges assault, battery, false imprisonment, abuse of process, slander, libel, interference with contract and violations of 4th, 5th, 6th amendments by the Department of the Navy. Motion to dismiss premised on six year statute of limitations.

**Robert P. Russell v. Cheney**, C.A. No. 93-0003, U.S.D.C. D.C. Pro se plaintiff challenged the delay in processing his FOIA request to the Naval Criminal Investigative Service (NCIS). Plaintiff is a former Marine officer convicted of murdering his wife at Quantico. The crime was investigated by the FBI and NCIS. Plaintiff has submitted FOIA requests to both agencies. Court granted partial motion for summary judgment. Court denied plaintiff's motion for reconsideration without prejudice with the expectation that a new, more detailed affidavit will resolve questions as to the adequacy of the search. Affidavit and renewed motion for summary judgment filed January 1995. Court ordered plaintiff to show cause why the case should not be dismissed. On March 31, 1995, case dismissed since plaintiff failed to submit response.

**Kenneth Short v. Department of the Navy**, C.A. No. C-95-259, U.S.D.C.S.D. TX. Plaintiff allegedly submitted a FOIA request for a copy of his medical records and a copy of the bill of his treatment. Plaintiff alleges that his FOIA request was not fulfilled. U.S. Attorney provided missing documents to the plaintiff's attorney during conference with Judge. Case was dismissed without attorney's fees on August 5, 1995.

### **DEPARTMENT OF THE AIR FORCE**

**Rogers v. NRO**, C.A. No. CV-94-B-2934-S, U.S.D.C.N.D. AL. Plaintiff sued Air Force, DOD, CIA, and NRO for information concerning the new NRO office building in Chantilly, VA. Air Force dismissed from the case because Plaintiff never made a FOIA request for the information to the Air Force. DOD dismissed from the case after providing responsive documents. Open America stay for other defendants.

**Connors v. Department of the Air Force**, C.A. No. 95-1517 EGS, U.S.D.C. D.C. Nevada state prisoner sued Air Force after making a FOIA request for a map of the Nellis Range Road area. The request was subsequently forwarded to the Defense Mapping Agency. Case dismissed by Court after Defendant moved to dismiss, or in the alternative for summary judgment, then Plaintiff failed to respond to the motion.

**The Army Times Publishing Co. v. Department of the Air Force**, C.A. No. 90-1383, U.S.D.C. D.C. The publisher of the Air Force Times filed suit under FOIA, seeking to obtain CATI (computer assisted telephone interview) surveys. In the district court, the Air Force successfully argued that the materials should be withheld under exemption (b) (5), as predecisional, deliberative material. The Court of Appeals disagreed, remanding the case to the district court with instruction to enter a finding on segregability. On February 28, 1995, the District Court for the District of Columbia ruled against the Air Force saying that the Air Force must provide the remaining data. In April 1995, DOJ agreed to pay \$60,000 in attorney fees (about 90% of the bill) - the fees were within range typically allowed by DOJ.

**Sheet Metal Workers' Intl Assn Local Union No. 9 v. Department of the Air Force**, C.A. No. 93-M-429, U.S.D.C. CO. U.S. lost at U.S.D.C. Sheetmetal Workers' Union filed a FOIA request for certified payroll records of a nonunion contractor doing work at the Air Force Academy. The request was refused under exemption (b)(6). 10th District reversed and remanded August 25, 1995, U.S.D.C. Order entered December 15, 1995 (no names to be released).

**Beth Bruker Walos v. Department of the Air Force**, C.A. No. DKC-94-2821, U.S.D.C.S.D. MD. Ms. Walos requested documents under FOIA. The request was not answered timely, so she sued. Summary Judgment granted October 30, 1995.

## **DEFENSE INVESTIGATIVE SERVICE**

**The National Magazine and Max Holland v. Department of State, Central Intelligence Agency, Department of Justice, and Department of Defense,** C.A. No. 92-23-3 (JHC), U.S.D.C. D.C. Plaintiff filed suite because Federal defendants declined to release files pertaining to H. Ross Perot. The Defense Investigative Service (DIS) is included in the list of Federal defendants as a component of the Department of Defense. DIS withheld investigative files pertaining to H. Ross Perot under 5 USC 552(b)(6) and (b)(7)(C). Defendants filed a motion for summary judgment on February 5, 1993. DIS claimed it had complied with the obligations under FOIA and that its withholding of the two documents was properly withheld pursuant to the claimed exemptions. Plaintiff challenged DIS' asserted FOIA exemptions. The Court held that disclosure of specific information contained in the DIS investigative files tell us nothing more about the operations of DIS. While this information might be of "interest" to the public, it is not the "public interest" projected by FOIA. Court granted DIS' motion on summary judgment on August 18, 1995.

## **DEFENSE INFORMATION SYSTEMS AGENCY**

**Sprint Communications Company, L.P. v. The United States of America, et al.,** C.A. No. 94-891-A, U.S.D.C.E.D. VA. The complaint contained three counts, two of which did not concern Freedom of Information Act (FOIA) issues. Count III alleged that the Defense Information Systems Agency (DISA) violated the Act in that its failure to provide documents in response to Sprint's request was "arbitrary, capricious, and an abuse of discretion, not in accordance with law, and without a rational basis." DISA filed a Motion to Dismiss Count III based on the following Agency actions: (1) acknowledgment and notice of access to the requested agency record within the statutory limits; (2) uncontested request for extension of time to Sprint; (3) interim release of documentation within the time extension requested; and, (4) statement that the remainder of the information was being processed with an anticipated time for completion of the request. The Motion as to Count III was denied by the Court on October 12, 1994. The matter was subsequently scheduled for hearing on February 7, 1995. The Agency released the requested information, with redactions (based on exemptions (b)(4) and (b)(6) on November 23, 1994). Count III was dismissed, without prejudice, on January 23, 1995, by agreement of the parties to allow for further discussions and potential narrowing/elimination of the remaining issues. The parties have agreed that Sprint can refile its complaint on Count III if a settlement cannot be reached.

## **NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE**

**Bradley C. Carter v. NSA,** C.A. No. 93-2847, U.S.D.C. MD. Plaintiff alleged inadequate search and improperly withheld records. Court ordered Agency-wide search, which was done. No records were located. Upon the Government's motion for summary judgment, the Court dismissed the complaint on January 10, 1995. Carter submitted an appeal (No. 95-1269) on April 20, 1995. Summary affirmance granted May 22, 1995.



**Computer Professionals for Social Responsibility v. NIST**, C.A. No. 94-5153, U.S.D.C. D.C. Plaintiff alleged improper withholding of information/documents by NIST. Upon review, documents were referred to this Agency for review. Government prevailed on summary judgment (April 11, 1994), and plaintiff appealed. Government motion for summary affirmance was filed in September 1994. Summary affirmance granted January 13, 1995.

**Michael R. Meade v. Secretary of the Army, et al.**, C.A. No. 94-949-Civ-Orl-19, U.S.D.C.M.D. FL. Plaintiff alleged inadequate search for information on himself. The court concluded that NSA made a good faith search effort and granted the Government's motion for summary judgment on February 27, 1995.

**Sims v. DOJ**, C.A. No. 94-5208, U.S.D.C. D.C. Plaintiff alleged improper withholding of information. Government prevailed on summary judgment (July 5, 1994), and plaintiff appealed. Government motion for summary affirmance was filed. Summary affirmance granted March 14, 1995.

**John C. Gilmore v. NSA**, C.A. No. 94-16165, U.S. Court of Appeals for the 9th Circuit. Appellant argued that the District Court abused its discretion in declining to issue a general injunction directing the NSA to improve the timeliness of its FOIA processing (CV-92-3646, U.S.D.C.N.D. CA., September 4, 1992. Motion for Summary Judgment granted May 6, 1994.). Appellate Court affirmed the District Court's decision on December 11, 1995.

#### **DEPARTMENT OF DEFENSE, INSPECTOR GENERAL**

**Aircraft Gear v. Derek Vander Schaaf**, C.A. No. 94-C-00870, U.S.D.C.N.D. IL. Case dismissed by agreement, February 23, 1995. Court case was filed in early 1994 based on Agency's failure to comply with 10 day time constraints of the Act, in not providing responsive documents. Court agreed to allow Component to continue queue process based on satisfactory showing of reasonable efforts to comply. Case was dismissed when Component completed processing of the request.

## Item 8

### FOIA Implementation Rules or Regulations

COMPONENT	DOCUMENT IDENTIFICATION	CFR. REF.
OSD/JS	"DoD Freedom of Information Act (FOIA) Program"	32 CFR 286
Dept Army	"The Army Freedom of Information Act Program"	32 CFR 518
Dept Navy	"Availability of Department of Navy Records and Publication of Department of the Navy Documents Affecting the Public"	32 CFR 701
Dept Air Force	"Air Force Freedom of Information Act Program"	32 CFR 806
DCAA	"Defense Contract Audit Agency (DCAA) Freedom of Information Act Program"	32 CFR 290
DFAS	"Freedom of Information Act Program"	(pending revision)
DIA	"Defense Intelligence Agency (DIA) Freedom of Information Act"	32 CFR 292
DIS	"Defense Investigative Service Freedom of Information Practices"	32 CFR 298
DISA	"Defense Information Systems Agency/Office of the Manager, National Communications System (DISA/OMNCS) Freedom of Information Act Program"	32 CFR 287

DLA	"Defense Logistics Agency (DLA) Freedom of Information Act Program"	32 CFR 1285
DMA	"Defense Mapping Agency (DMA) Freedom of Information Act (FOIA) Program"	32 CFR 286i and 293
DNA	"Defense Nuclear Agency (DNA) Freedom of Information Act Program"	32 CFR 291 (pending revision)
NRO	"National Reconnaissance Office Freedom of Information Act Program"	32 CFR 296
NSA/CSS	"Public Access to Records"	32 CFR 299
OIG, DOD	"Office of the Inspector General Freedom of Information Act Program"	32 CFR 295

## **Item 9**

### **Fee Schedule and Fees Collected**

The fee schedule on pages 65 through 78, reprinted from Chapter VI, DoD Regulation 5400.7-R, October 1990, with Change 1, May 10, 1991, establishes standard costs collectable by Department of Defense Agencies.

\$1,088,427.59 was collected from the public for making records available during the year 1995 (see item 10(b), page 80 for agency totals).

## CHAPTER VI

### FEE SCHEDULE

#### Section 1

#### GENERAL PROVISIONS

##### 6-100 Authorities

The Freedom of Information Act (5 U.S.C. 552), as amended; by the Freedom of Information Reform Act of 1986; the Paperwork Reduction Act (44 U.S.C. 35); the Privacy Act of 1974 (5 U.S.C. 552a); the Budget and Accounting Act of 1921 (31 U.S.C. 1 et. seq.); the Budget and Accounting Procedures Act (31 U.S.C. 67 et. seq.); the Defense Authorization Act for FY 87, Section 954, (P.L. 99-661), as amended by the Defense Technical Corrections Act of 1987 (P.L. 100-26).

##### 6-101 Application

a. The fees described in this Chapter apply to FOIA requests, and conform to the Office of Management and Budget Uniform Freedom of Information Act Fee Schedule and Guidelines. They reflect direct costs for search, review (in the case of commercial requesters); and duplication of documents, collection of which is permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business, nor are they meant as a substitute for any other schedule of fees, such as DoD Instruction 7230.7 (reference (r)), which does not supersede the collection of fees under the FOIA. Nothing in this Chapter shall supersede fees chargeable under a statute specifically providing for setting the level of fees for particular types of records. A "statute specifically providing for setting the level of fees for particular types of records" (5 U.S.C. 552 (a)(4)(a)(vi) means any statute that enables a Government Agency such as the Government Printing Office (GPO) or the National Technical Information Service (NTIS), to set and collect fees. Components should ensure that when documents that would be responsive to a request are maintained for distribution by agencies operating statutory-based fee schedule programs such as the GPO or NTIS, they inform requesters of the steps necessary to obtain records from those sources.

b. The term "direct costs" means those expenditures a Component actually makes in searching for, reviewing (in the case of commercial requesters), and duplicating documents to respond to an FOIA request. Direct costs include, for example, the salary of the employee performing the work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits), and the costs of operating duplicating machinery. These factors have been included in the fee rates prescribed at Section 2 of this Chapter. Not included in direct costs are overhead expenses such as costs of space, heating or lighting the facility in which the records are stored.

c. The term "search" includes all time spent looking for material that is responsive to a request. Search also includes a page-by-page or line-by-line identification (if necessary) of material in the document to determine if it, or portions thereof are responsive to the request. Components should ensure that searches are done in the most efficient and least

expensive manner so as to minimize costs for both the Component and the requester. For example, Components should not engage in line-by-line searches when duplicating an entire document known to contain responsive information would prove to be the less expensive and quicker method of complying with the request. Time spent reviewing documents in order to determine whether to apply one or more of the statutory exemptions is not search time, but review time. See subparagraph 6-101, e., for the definition of review, and subparagraph 6-201, b., for information pertaining to computer searches.

d. The term "duplication" refers to the process of making a copy of a document in response to an FOIA request. Such copies can take the form of paper copy, microfiche, audiovisual, or machine readable documentation (e. g., magnetic tape or disc), among others. Every effort will be made to ensure that the copy provided is in a form that is reasonably usable, the requester shall be notified that their copy is the best available and that the agency's master copy shall be made available for review upon appointment. For duplication of computer tapes and audiovisual, the actual cost, including the operator's time, shall be charged. In practice, if a Component estimates that assessable duplication charges are likely to exceed \$25.00, it shall notify the requester of the estimate, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. Such a notice shall offer a requester the opportunity to confer with Component personnel with the object of reformulating the request to meet his or her needs at a lower cost.

e. The term "review" refers to the process of examining documents located in response to an FOIA request to determine whether one or more of the statutory exemptions permit withholding. It also includes processing the documents for disclosure, such as excising them for release. Review does not include the time spent resolving general legal or policy issues regarding the application of exemptions. It should be noted that charges for commercial requesters may be assessed only for the initial review. Components may not charge for reviews required at the administrative appeal level of an exemption already applied. However, records or portions of records withheld in full under an exemption which is subsequently determined not to apply may be reviewed again to determine the applicability of other exemptions not previously considered. The costs for such a subsequent review would be properly assessable.

#### 6-102 Fee Restrictions

a. No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge. For example, for a request (other than one from a commercial requester) that involved two hours and ten minutes of search time, and resulted in one hundred and five pages of documents, a Component would determine the cost of only ten minutes of search time, and only five pages of reproduction. If this processing cost was equal to, or less than the cost to the Component for billing the requester and processing the fee collected, no charges would result.

b. Requesters receiving the first two hours of search and the first one hundred pages of duplication without charge are entitled to such only once per request.

Consequently, if a Component, after completing its portion of a request, finds it necessary to refer the request to a subordinate office, another DoD Component, or another Federal Agency to action their portion of the request, the referring Component shall inform the recipient of the referral of the expended amount of search time and duplication cost to date.

c. The elements to be considered in determining the "cost of collecting a fee" are the administrative costs to the Component of receiving and recording a remittance, and processing the fee for deposit in the Department of Treasury's special account. The cost to the Department of Treasury to handle such remittance is negligible and shall not be considered in Components' determinations.

d. For the purposes of these restrictions, the word "pages" refers to paper copies of a standard size, which will normally be "8 1/2 x 11" or "11 x 14". Thus, requesters would not be entitled to 100 microfiche or 100 computer disks, for example. A microfiche containing the equivalent of 100 pages or 100 pages of computer printout; however, might meet the terms of the restriction.

e. In the case of computer searches, the first two free hours will be determined against the salary scale of the individual operating the computer for the purposes of the search. As an example, when the direct costs of the computer central processing unit, input-output devices, and memory capacity equal \$24.00 (two hours of equivalent search at the clerical level), amounts of computer costs in excess of that amount are chargeable as computer search time.

#### 6-103 Fee Waivers

a. Documents shall be furnished without charge, or at a charge reduced below fees assessed to the categories of requesters in paragraph 6-104 when the Component determines that waiver or reduction of the fees is in the public interest because furnishing the information is likely to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in the commercial interest of the requester.

b. When assessable costs for an FOIA request total \$15.00 or less, fees shall be waived automatically for all requesters, regardless of category.

c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis, consistent with the following factors:

1. Disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government."

(i) The subject of the request. Components should analyze whether the subject matter of the request involves issues which will significantly contribute to the public understanding of the operations or activities of the Department of Defense. Requests for records in the possession of the Department of Defense which were originated by non-government organizations and are sought for their intrinsic content, rather than informative value will likely not contribute to public understanding of the operations or

activities of the Department of Defense. An example of such records might be press clippings, magazine articles, or records forwarding a particular opinion or concern from a member of the public regarding a DoD activity. Similarly, disclosures of records of considerable age may or may not bear directly on the current activities of the Department of Defense; however, the age of a particular record shall not be the sole criteria for denying relative significance under this factor. It is possible to envisage an informative issue concerning the current activities of the Department of Defense, based upon historical documentation. Requests of this nature must be closely reviewed consistent with the requester's stated purpose for desiring the records and the potential for public understanding of the operations and activities of the Department of Defense.

(ii) The informative value of the information to be disclosed. This factor requires a close analysis of the substantive contents of a record, or portion of the record, to determine whether disclosure is meaningful, and shall inform the public on the operations or activities of the Department of Defense. While the subject of a request may contain information which concerns operations or activities of the Department of Defense, it may not always hold great potential for contributing to a meaningful understanding of these operations or activities. An example of such would be a heavily redacted record, the balance of which may contain only random words, fragmented sentences, or paragraph headings. A determination as to whether a record in this situation will contribute to the public understanding of the operations or activities of the Department of Defense must be approached with caution, and carefully weighed against the arguments offered by the requester. Another example is information already known to be in the public domain. Disclosure of duplicative, or nearly identical information already existing in the public domain may add no meaningful new information concerning the operations and activities of the Department of Defense.

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure. The key element in determining the applicability of this factor is whether disclosure will inform, or have the potential to inform the public, rather than simply the individual requester or small segment of interested persons. The identity of the requester is essential in this situation in order to determine whether such requester has the capability and intention to disseminate the information to the public. Mere assertions of plans to author a book, researching a particular subject, doing doctoral dissertation work, or indigency are insufficient without demonstrating the capacity to further disclose the information in a manner which will be informative to the general public. Requesters should be asked to describe their qualifications, the nature of their research, the purpose of the requested information, and their intended means of dissemination to the public.

(iv) The significance of the contribution to public understanding. In applying this factor, Components must differentiate the relative significance or impact of the disclosure against the current level of public knowledge, or understanding which exists before the disclosure. In other words, will disclosure on a current subject of wide public interest be unique in contributing previously unknown facts, thereby enhancing public knowledge, or will it basically duplicate what is already known by the general public. A decision regarding significance requires objective judgment, rather than subjective determination, and must be applied carefully to determine whether disclosure will likely



lead to a significant public understanding of the issue. Components shall not make value judgments as to whether the information is important enough to be made public.

2. Disclosure of the information "is not primarily in the commercial interest of the requester."

(i) The existence and magnitude of a commercial interest. If the request is determined to be of a commercial interest, Components should address the magnitude of that interest to determine if the requester's commercial interest is primary, as opposed to any secondary personal or non-commercial interest. In addition to profit-making organizations, individual persons or other organizations may have a commercial interest in obtaining certain records. Where it is difficult to determine whether the requester is of a commercial nature, Components may draw inference from the requester's identity and circumstances of the request. In such situations, the provisions of paragraph 6-104, below, apply. Components are reminded that in order to apply the commercial standards of the FOIA, the requester's commercial benefit must clearly override any personal or non-profit interest.

(ii) The primary interest in disclosure. Once a requester's commercial interest has been determined, Components should then determine if the disclosure would be primarily in that interest. This requires a balancing test between the commercial interest of the request against any public benefit to be derived as a result of that disclosure. Where the public interest is served above and beyond that of the requester's commercial interest, a waiver or reduction of fees would be appropriate. Conversely, even if a significant public interest exists, and the relative commercial interest of the requester is determined to be greater than the public interest, then a waiver or reduction of fees would be inappropriate. As examples, news media organizations have a commercial interest as business organizations; however, their inherent role of disseminating news to the general public can ordinarily be presumed to be of a primary interest. Therefore, any commercial interest becomes secondary to the primary interest in serving the public. Similarly, scholars writing books or engaged in other forms of academic research, may recognize a commercial benefit, either directly, or indirectly (through the institution they represent); however, normally such pursuits are primarily undertaken for educational purposes, and the application of a fee charge would be inappropriate. Conversely, data brokers or others who merely compile government information for marketing can normally be presumed to have an interest primarily of a commercial nature.

d. Components are reminded that the above factors and examples are not all inclusive. Each fee decision must be considered on a case-by-case basis and upon the merits of the information provided in each request. When the element of doubt as to whether to charge or waive the fee cannot be clearly resolved, Components should rule in favor of the requester.

e. In addition, the following additional circumstances describe situations where waiver or reduction of fees are most likely to be warranted:

1. A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records, including additional information not requested.

2. A previous denial of records is reversed in total, or in part, and the assessable costs are not substantial (e. g. \$15.00 - \$30.00).

#### 6-104 Fee Assessment

a. Fees may not be used to discourage requesters, and to this end, FOIA fees are limited to standard charges for direct document search, review (in the case of commercial requesters) and duplication.

b. In order to be as responsive as possible to FOIA requests while minimizing unwarranted costs to the taxpayer, Components shall adhere to the following procedures:

1. Analyze each request to determine the category of the requester. If the Component determination regarding the category of the requester is different than that claimed by the requester, the Component shall:

(i) Notify the requester that he should provide additional justification to warrant the category claimed, and that a search for responsive records will not be initiated until agreement has been attained relative to the category of the requester. Absent further category justification from the requester, and within a reasonable period of time (i. e., 30 calendar days), the Component shall render a final category determination, and notify the requester of such determination, to include normal administrative appeal rights of the determination.

(ii) Advise the requester that, notwithstanding any appeal, a search for responsive records will not be initiated until the requester indicates a willingness to pay assessable costs appropriate for the category determined by the Component.

2. Requesters must submit a fee declaration appropriate for the below categories.

(i) Commercial. Requesters must indicate a willingness to pay all search, review and duplication costs.

(ii) Educational or Noncommercial Scientific Institution or News Media. Requesters must indicate a willingness to pay duplication charges in excess of 100 pages if more than 100 pages of records are desired.

(iii) All Others. Requesters must indicate a willingness to pay assessable search and duplication costs if more than two hours of search effort or 100 pages of records are desired.

3. If the above conditions are not met, then the request need not be processed and the requester shall be so informed.

4. In the situations described by subparagraphs 6-104, b.1. and 2., above, Components must be prepared to provide an estimate of assessable fees if desired by the requester. While it is recognized that search situations will vary among Components, and that an estimate is often difficult to obtain prior to an actual search, requesters who desire

estimates are entitled to such before committing to a willingness to pay. Should Component estimates exceed the actual amount of the estimate or the amount agreed to by the requester, the amount in excess of the estimate or the requester's agreed amount shall not be charged without the requester's agreement.

5. No DoD Component may require advance payment of any fee; i. e., payment before work is commenced or continued on a request, unless the requester has previously failed to pay fees in a timely fashion, or the agency has determined that the fee will exceed \$250.00. As used in this sense, a timely fashion is 30 calendar days from the date of billing (the fees have been assessed in writing) by the Component.

6. Where a Component estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250.00, the Component shall notify the requester of the likely cost and obtain satisfactory assurance of full payment where the requester has a history of prompt payments, or require an advance payment of an amount up to the full estimated charges in the case of requesters with no history of payment.

7. Where a requester has previously failed to pay a fee charged in a timely fashion (i. e., within 30 calendar days from the date of the billing), the Component may require the requester to pay the full amount owed, plus any applicable interest, or demonstrate that he or she has paid the fee, and to make an advance payment of the full amount of the estimated fee before the Component begins to process a new or pending request from the requester. Interest will be at the rate prescribed in 31 U. S. C. 3717 (reference (af)), and confirmed with respective Finance and Accounting Offices.

8. After all work is completed on a request, and the documents are ready for release, Components may request payment before forwarding the documents if there is no payment history on the requester, or if the requester has previously failed to pay a fee in a timely fashion (i. e., within 30 calendar days from the date of the billing). In the case of the latter, the provisions of subparagraph 6-104, b.7., above, apply. Components may not hold documents ready for release pending payment from requesters with a history of prompt payment.

9. When Components act under subparagraphs 6-104, 1 through 7, above, the administrative time limits of the FOIA (i.e., 10 working days from receipt of initial requests, and 20 working days from receipt of appeals, plus permissible extensions of these time limits) will begin only after the Component has received a willingness to pay fees and satisfaction as to category determination, or fee payments (if appropriate).

10. Components may charge for time spent searching for records, even if that search fails to locate records responsive to the request. Components may also charge search and review (in the case of commercial requesters) time if records located are determined to be exempt from disclosure. In practice, if the Component estimates that search charges are likely to exceed \$25.00 it shall notify the requester of the estimated amount of fees, unless the requester has indicated in advance his or her willingness to pay fees as high as those anticipated. Such a notice shall offer the requester the opportunity to confer with Component personnel with the object of reformulating the request to meet his or her needs at a lower cost.

c. Commercial Requesters. Fees shall be limited to reasonable standard charges for document search, review and duplication when records are requested for commercial use. Requesters must reasonably describe the records sought (see paragraph 1-507).

1. The term "commercial use" request refers to a request from, or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interest of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, Components must determine the use to which a requester will put the documents requested. Moreover, where a Component has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, Components should seek additional clarification before assigning the request to a specific category.

2. When Components receive a request for documents for commercial use, they should assess charges which recover the full direct costs of searching for, reviewing for release, and duplicating the records sought. Commercial requesters (unlike other requesters) are not entitled to two hours of free search time, nor 100 free pages of reproduction of documents. Moreover, commercial requesters are not normally entitled to a waiver or reduction of fees based upon an assertion that disclosure would be in the public interest. However, because use is the exclusive determining criteria, it is possible to envision a commercial enterprise making a request that is not for commercial use. It is also possible that a non-profit organization could make a request that is for commercial use. Such situations must be addressed on a case-by-case basis.

d. Educational Institution Requesters. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by an educational institution whose purpose is scholarly research. Requesters must reasonably describe the records sought (see paragraph 1-507). The term "educational institution" refers to a pre-school, a public or private elementary or secondary school, an institution of graduate high education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

e. Non-Commercial Scientific Institution Requesters. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by a non-commercial scientific institution whose purpose is scientific research. Requesters must reasonably describe the records sought (see paragraph 5-107). The term "non-commercial scientific institution" refers to an institution that is not operated on a "commercial" basis as defined in subparagraph 6-104, c., above, and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

f. Components shall provide documents to requesters in subparagraphs 6-104, d. and e., above, for the cost of duplication alone, excluding charges for the first 100 pages. To be eligible for inclusion in these categories, requesters must show that the request is being made under the auspices of a qualifying institution and that the records are not sought for commercial use, but in furtherance of scholarly (from an educational institution) or scientific (from a non-commercial scientific institution) research.

g. Representatives of the news media. Fees shall be limited to only reasonable standard charges for document duplication (excluding charges for the first 100 pages) when the request is made by a representative of the news media. Requesters must reasonably describe the records sought (see paragraph 1-507).

1. The term "representative of the news media" refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not meant to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e. g., electronic dissemination of newspapers through telecommunications services), such alternative media would be included in this category. In the case of "freelance" journalists, they may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even through not actually employed by it. A publication contract would be the clearest proof, but Components may also look to the past publication record of a requester in making this determination.

2. To be eligible for inclusion in this category, a requester must meet the criteria in subparagraph 6-104, g.1., above, and his or her request must not be made for commercial use. A request for records supporting the news dissemination function of the requester shall not be considered to be a request that is for a commercial use. For example, a document request by a newspaper for records relating to the investigation of a defendant in a current criminal trial of public interest could be presumed to be a request from an entity eligible for inclusion in this category, and entitled to records at the cost of reproduction alone (excluding charges for the first 100 pages).

3. "Representative of the news media" does not include private libraries, private repositories of Government records, or middlemen, such as information vendors or data brokers.

h. All Other Requesters. Components shall charge requesters who do not fit into any of the above categories, fees which recover the full direct cost of searching for and duplicating records, except that the first two hours of search time and the first 100 pages of duplication shall be furnished without charge. Requesters must reasonably describe the records sought (see paragraph 1-507). Requests from subjects about themselves will continue to be treated under the fee provisions of the Privacy Act of 1974 (reference (af)), which permit fees only for duplication. Components are reminded that this category of requester may also be eligible for a waiver or reduction of fees if disclosure of the information is in the public interest as defined under subparagraph 6-103, a., above. (See also subparagraph 6-104, c.2.).

#### 6-105 Aggregating Requests

Except for requests that are for a commercial use, a Component may not charge for the first two hours of search time or for the first 100 pages of reproduction. However, a requester may not file multiple requests at the same time, each seeking portions of a

document or documents, solely in order to avoid payment of fees. When a Component reasonably believes that a requester or, on rare occasions, a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of avoiding the assessment of fees, the agency may aggregate any such requests and charge accordingly. One element to be considered in determining whether a belief would be reasonable is the time period in which the requests have occurred. 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. For requests made over a longer period; however, such a presumption becomes harder to sustain and Components should have a solid basis for determining that aggregation is warranted in such cases. Components are cautioned that before aggregating requests from more than one requester, they must have a concrete basis on which to conclude that the requesters are acting in concert and are acting specifically to avoid payment of fees. In no case may Components aggregate multiple requests on unrelated subjects from one requester.

#### 6-106 Effect of the Debt Collection Act of 1982 (P.L. 97-365).

The Debt Collection Act of 1982 (P.L. 97-365) provides for a minimum annual rate of interest to be charged on overdue debts owed the Federal Government. Components may levy this interest penalty for any fees that remain outstanding 30 calendar days from the date of billing (the first demand notice) to the requester of the amount owed. The interest rate shall be as prescribed in 31 U. S. C. 3717 (reference (ae)). Components should verify the current interest rate with respective Finance and Accounting Offices. After one demand letter has been sent, and 30 calendar days have lapsed with no payment, Components may submit the debt to respective Finance and Accounting Offices for collection pursuant to the Debt Collection Act of 1982.

#### 6-107 Computation of Fees

The fee schedule in this Chapter shall be used to compute the search, review (in the case of commercial requesters) and duplication costs associated with processing a given FOIA request. Costs shall be computed on time actually spent. Neither time-based nor dollar-based minimum charges for search, review and duplication are authorized.

### Section 2

## COLLECTION OF FEES AND FEE RATES

#### 6-200 Collection of Fees

Collection of fees will be made at the time of providing the documents to the requester or recipient when the requester specifically states that the costs involved shall be acceptable or acceptable up to a specified limit that covers the anticipated costs. Collection of fees 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 DoD Component, or the Component has determined that the fee will be in excess of \$250 (see paragraph 6-104).

6-201 Search Time

a. Manual Search

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate(\$)</u>
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 direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The salary scale (equating to paragraph a. above) for the computer operator/programmer determining how to conduct and subsequently executing the search will be recorded as part of the computer search.

6-202 Duplication

<u>Type</u>	<u>Cost per Page (¢)</u>
Pre-Printed material	02
Office copy	15
Microfiche	25
Computer copies (tapes or printouts)	Actual cost of duplicating the tape or printout (includes operator's time and cost of the tape)

6-203 Review Time (in the case of commercial requesters)

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

6-204 Audiovisual Documentary Materials

Search costs are computed 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.

6-205 Other Records

Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

## 6-206 Costs for Special Services

Complying with requests for special services is at the discretion of the Components. Neither the FOIA, nor its fee structure cover these kinds of services. Therefore, Components may recover the costs of special services requested by the requester after agreement has been obtained in writing from the requester to pay for one or more of the following services:

- a. Certifying that records are true copies.
- b. Sending records by special methods such as express mail, etc.

### Section 3

## COLLECTION OF FEES AND FEE RATES FOR TECHNICAL DATA

### 6-300 Fees for Technical Data

a. Technical data, other than technical data that discloses critical technology with military or space application, if required to be released under the FOIA, shall be released after the person requesting such technical data pays all reasonable costs attributed to search, duplication and review of the records to be released. Technical data, as used in this Section, 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. DoD Components shall retain the amounts received by such a release, and it shall be merged with and available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with request. All reasonable costs as used in this sense are the full costs to the Federal Government of rendering the service, or fair market value of the service, whichever is higher. Fair market value shall be determined in accordance with commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the Federal Government. The full costs shall include all direct and indirect costs to conduct the search and to duplicate the records responsive to the request. This cost is to be differentiated from the direct costs allowable under Section 2 of this Chapter for other types of information released under the FOIA.

b. Waiver. Components shall waive the payment of costs required in subparagraph 6-300, a., above, which are greater than the costs that would be required for release of this same information under Section 2 of this Chapter if:

1. The request is made by a citizen of the United States or a United States corporation, and such citizen or corporation certifies that the technical data requested is required to enable it to submit an offer, or determine whether it is capable of submitting an offer to provide the product to which the technical data relates to the United States or a contractor with the United States. However, Components may require the citizen or corporation to pay a deposit in an amount equal to not more than the cost of complying with the request, which will be refunded upon submission of an offer by the citizen or corporation;



2. The release of technical data is requested in order to comply with the terms of an international agreement; or,

3. The Component determines in accordance with subparagraph 6-103, a., above, that such a waiver is in the interest of the United States.

c. Fee Rates

1. Search Time

(i) Manual Search

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (\$)</u>
Clerical	E9/GS8 and below	13.25
(Minimum Charge)		8.30

Professional and Executive (To be established at actual hourly rate prior to search. A minimum charge will be established at 1/2 hourly rates)

(ii) Computer search is based on the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage (based upon the scale in subparagraph 6-300, c.1. (i), above) for the computer operator and/or programmer determining how to conduct, and subsequently executing the search will be recorded as part of the computer search.

2. Duplication

<u>Type</u>	<u>Cost</u>
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	\$2.50
Engineering data (microfilm)	
a. Aperture cards	
(i) Silver duplicate negative, per card	.75
When key punched and verified, per card	.85
(ii) Diazo duplicate negative, per card	.65
When key punched and verified, per card	.75
b. 35mm roll film, per frame	.50
c. 16mm roll film, per frame	.45

- d. Paper prints (engineering drawings), each 1.50
- e. Paper reprints of microfilm indices, each .10

3. Review Time

<u>Type</u>	<u>Grade</u>	<u>Hourly Rate (\$)</u>
Clerical	E9/GS8 and below	13.25
(Minimum Charge)		8.30

Professional and Executive (To be established at actual hourly rate prior to review. A minimum charge will be established at 1/2 hourly rates)

d. Other Technical Data Records

Charges for any additional services not specifically provided subparagraph 6-300, c., above, consistent with DoD Instruction 7230.7 (reference (r)), shall be made by Components at the following rates:

- 1. Minimum charge for office copy (up to six images) ..... \$3.50
- 2. Each additional image ..... .10
- 3. Each typewritten page ..... 3.50
- 4. Certification and validation with seal, each..... 5.20
- 5. Hand-drawn plots and sketches, each hour or fraction thereof..... 12.00

## **Item 10(a)**

### **Availability of Records**

(New categories or segregable portions of records now being revealed.)

POW/MIA documents continue to be available at the Library of Congress, and the National Archives and Records Administration.

## Item 10(b)

### Calendar Year Costs and Fees Collected

<b>Component</b>	<b>Annual Cost</b>	<b>Fees Collected</b>
OSD/JS	\$2,857,711.29	\$52,457.75
Dept Army	\$10,122,004.77	\$349,261.73
Dept Navy	\$7,641,319.73	\$361,214.41
Dept Air Force	\$7,553,215.00	\$160,414.00
DCAA	\$193,462.78	\$7,093.02
DFAS	\$283,951.25	\$9,031.00
DIA	\$320,165.00	\$3,369.00
DIS	\$98,196.25	\$224.90
DISA	\$132,233.75	\$5,339.10
DLA	\$1,388,768.00	\$123,940.00
DMA	\$231,247.76	\$1,690.87
DNA	\$301,323.98	\$3,436.12
NRO	\$676,041.75	\$5,037.50
NSA/CSS	\$952,823.75	\$5,224.15
OIG, DOD	\$315,063.30	\$694.04
<b>DOD Totals</b>	<b>\$33,067,528.36</b>	<b>\$1,088,427.59</b>

Item 10(b) (Cont'd)

COST OUTLINE	OSD/JCS	Dept Army	Dept Navy	Dept Air Force
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	33.3	187.3	131.3	128.7
B. Manyear Costs	\$2,000,265.88	\$6,288,213.00	\$5,047,702.87	\$5,056,797.00
<b>C. Estimated Manhour Costs by Category (Fee Schedule Rates)**</b>				
(1) Search Time	\$46,592.87	\$325,860.61	\$178,577.54	\$143,814.00
(2) Review & Excising	\$82,548.34	\$310,124.82	\$167,768.67	\$174,801.00
(3) Coordination & Approval	\$29,796.16	\$197,112.86	\$158,873.25	\$149,264.00
(4) Correspondence/Form Preparation	\$25,648.60	\$298,709.73	\$97,496.53	\$126,521.00
(5) Other Activities	\$29,689.75	\$135,274.18	\$88,462.85	\$65,515.00
(6) Total [(1) thru (5)]	\$214,275.72	\$1,267,082.20	\$691,178.84	\$659,915.00
D. Overhead [25% of (B + C)]	\$553,635.40	\$1,888,823.80	\$1,434,720.43	\$1,429,178.00
E. Total [B thru D]	\$2,768,177.00	\$9,444,119.00	\$7,173,602.14	\$7,145,890.00
<b>II. Other Case Related Costs</b>				
A. Computer Search Time	\$41,595.52	\$108,487.43	\$40,930.10	\$51,378.00
B. Office Copy Reproduction	\$27,356.06	\$320,441.30	\$213,885.00	\$202,023.00
C. Microfiche Reproduction	\$212.90	\$4,336.65	\$4,125.00	\$1,701.00
D. Printed Records	\$396.40	\$7,519.33	\$4,598.00	\$9,227.00
E. Computer Copy	\$938.62	\$39,738.53	\$10,118.91	\$3,960.00
F. Audiovisual Materials	\$55.00	\$5,028.52	\$984.50	\$7,864.00
G. Other	\$1,072.93	\$46,808.02	\$63,732.29	\$49,707.00
H. Subtotal [A thru G]	\$71,627.43	\$532,359.78	\$338,373.80	\$325,860.00
I. Overhead [25% of H]	\$17,906.86	\$133,089.95	\$84,593.45	\$81,465.00
J. Total [H + I]	\$89,534.29	\$665,449.73	\$422,967.25	\$407,325.00
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$12,436.05	\$44,750.34	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$2,857,711.29	\$10,122,004.78	\$7,641,319.73	\$7,553,215.00

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

Item 10(b) (Cont'd)

COST OUTLINE	DCAA	DFAS	DIA	DIS
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	2.3	5.4	4.0	2.2
B. Manyear Costs	\$139,059.00	\$125,157.00	\$220,342.00	\$75,669.00
<b>C. Estimated Manhour Costs by Category (Fee Schedule Rates)**</b>				
(1) Search Time	\$2,372.75	\$25,732.00	\$13,223.00	\$308.00
(2) Review & Excising	\$5,974.50	\$10,199.00	\$10,779.00	\$980.00
(3) Coordination & Approval	\$1,092.25	\$5,819.00	\$2,584.00	\$1,060.00
(4) Correspondence/Form Preparation	\$1,506.75	\$7,935.00	\$2,842.00	\$160.00
(5) Other Activities	\$50.00	\$21,344.00	\$722.00	\$0.00
(6) Total [(1) thru (5)]	\$10,996.25	\$71,029.00	\$30,150.00	\$2,508.00
D. Overhead [25% of (B + C)]	\$37,513.81	\$49,046.50	\$62,623.00	\$19,544.25
E. Total [B thru D]	\$187,569.06	\$245,232.50	\$313,115.00	\$97,721.25
<b>II. Other Case Related Costs</b>				
A. Computer Search Time	\$9.47	\$9,376.00	\$2,661.00	\$300.00
B. Office Copy Reproduction	\$4,689.60	\$6,419.00	\$516.00	\$65.00
C. Microfiche Reproduction	\$0.00	\$7.00	\$0.00	\$0.00
D. Printed Records	\$15.90	\$10.00	\$80.00	\$15.00
E. Computer Copy	\$0.00	\$76.00	\$0.00	\$0.00
F. Audiovisual Materials	\$0.00	\$0.00	\$2,383.00	\$0.00
G. Other	\$0.00	\$8,735.00	\$0.00	\$0.00
H. Subtotal [A thru G]	\$4,714.97	\$24,623.00	\$5,640.00	\$380.00
I. Overhead [25% of H]	\$1,178.74	\$6,155.75	\$1,410.00	\$95.00
J. Total [H + I]	\$5,893.71	\$30,778.75	\$7,050.00	\$475.00
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$7,940.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$193,462.78	\$283,951.25	\$320,165.00	\$98,196.25

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

Item 10(b) (Cont'd)

COST OUTLINE	DISA	DIA	DMA	DNA
<b>I. Personnel Costs</b>				
A. Estimated Manyears*	2.1	23.3	3.0	4.3
B. Manyear Costs	\$94,406.00	\$885,329.00	\$172,944.74	\$217,398.20
<b>C. Estimated Manhour Costs by Category (Fee Schedule Rates)**</b>				
(1) Search Time	\$1,344.00	\$79,305.00	\$1,193.09	\$1,701.50
(2) Review & Excising	\$1,226.00	\$6,342.00	\$2,286.43	\$10,627.00
(3) Coordination & Approval	\$76.00	\$12,688.00	\$308.50	\$4,167.00
(4) Correspondence/Form Preparation	\$4,157.00	\$16,011.00	\$816.60	\$879.25
(5) Other Activities	\$0.00	\$29,881.00	\$327.10	\$5,148.00
(6) Total [(1) thru (5)]	\$6,803.00	\$144,227.00	\$4,931.72	\$22,522.75
D. Overhead [25% of (B + C)]	\$25,302.25	\$257,389.00	\$44,444.12	\$59,980.24
E. Total [B thru D]	\$126,511.25	\$1,286,945.00	\$222,220.58	\$299,901.19
<b>II. Other Case Related Costs</b>				
A. Computer Search Time	\$0.00	\$4,646.00	\$109.40	\$65.00
B. Office Copy Reproduction	\$4,578.00	\$41,867.00	\$2,892.05	\$1,053.70
C. Microfiche Reproduction	\$0.00	\$7,919.00	\$5.75	\$0.00
D. Printed Records	\$0.00	\$1,393.00	\$0.00	\$0.00
E. Computer Copy	\$0.00	\$1,882.00	\$44.80	\$19.53
F. Audiovisual Materials	\$0.00	\$0.00	\$0.00	\$0.00
G. Other	\$0.00	\$18,817.00	\$809.75	\$0.00
H. Subtotal [A thru G]	\$4,578.00	\$76,524.00	\$3,861.75	\$1,138.23
I. Overhead [25% of H]	\$1,144.50	\$19,131.00	\$965.44	\$284.56
J. Total [H + I]	\$5,722.50	\$95,655.00	\$4,827.19	\$1,422.79
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$6,168.00	\$4,200.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$132,233.75	\$1,388,768.00	\$231,247.76	\$301,323.98

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.

Item 10(b) (Cont'd)

COST OUTLINE	NRO	NSA/CSS	OIG,DOD
<b>I. Personnel Costs</b>			
A. Estimated Manyears*	3.4	13.3	4.1
B. Manyear Costs	\$181,519.00	\$580,326.00	\$191,999.72
C. Estimated Manhour Costs by Category (Fee Schedule Rates)**			
(1) Search Time	\$2,450.00	\$72,132.00	\$3,964.13
(2) Review & Excising	\$2,211.00	\$17,738.00	\$34,088.25
(3) Coordination & Approval	\$25,570.00	\$47,938.00	\$9,199.75
(4) Correspondence/Form Preparation	\$900.00	\$17,969.00	\$2,309.75
(5) Other Activities	\$300,908.40	\$10,723.00	\$6,775.25
(6) Total [(1) thru (5)]	\$332,039.40	\$166,500.00	\$56,337.13
D. Overhead [25% of (B + C)]	\$128,389.60	\$186,706.50	\$62,084.21
E. Total [B thru D]	\$641,948.00	\$933,532.50	\$310,421.06
<b>II. Other Case Related Costs</b>			
A. Computer Search Time	\$35.00	\$6,139.00	\$147.50
B. Office Copy Reproduction	\$25,500.00	\$9,294.00	\$3,374.69
C. Microfiche Reproduction	\$0.00	\$0.00	\$0.00
D. Printed Records	\$0.00	\$0.00	\$53.13
E. Computer Copy	\$0.00	\$0.00	\$0.00
F. Audiovisual Materials	\$0.00	\$0.00	\$5.00
G. Other	\$1,740.00	\$0.00	\$133.47
H. Subtotal [A thru G]	\$27,275.00	\$15,433.00	\$3,713.79
I. Overhead [25% of H]	\$6,818.75	\$3,658.25	\$928.45
J. Total [H + I]	\$34,093.75	\$19,291.25	\$4,642.24
<b>III. Cost of Routine Requests Processed</b>	\$0.00	\$0.00	\$0.00
<b>IV. Total Costs [I thru III]</b>	\$676,041.75	\$952,823.75	\$315,063.30

\* Personnel assigned full-time or part-time FOI duties

\*\* Personnel other than I.B.



## Item 10(c)

### Time Limit Extensions

Component	I			II & III	Total
	Unusual Circumstances			Court Involvement	
	Location	Volume	Consultation		
OSD/JS	203	43	1,313	0	1,559
Dept Army	313	189	63	0	565
Dept Navy	47	1,103	20	2	1,172
Dept Air Force	75	1,017	410	0	1,502
DCAA	1	1	1	0	3
DFAS	4	32	3	0	39
DIA	50	390	82	0	522
DIS	51	2	0	0	53
DISA	0	67	0	0	67
DLA	317	158	145	0	620
DMA	21	88	40	0	149
DNA	4	27	52	0	83
NRO	10	15	25	0	50
NSA/CSS	0	467	52	0	519
OIG, DOD	121	231	23	0	375
<b>DOD Totals</b>	<b>1,217</b>	<b>3,830</b>	<b>2,229</b>	<b>2</b>	<b>7,278</b>