

APPENDIX A TO PART 203 - Technical Assistance for Public Participation Request Form

SECTION IV - PROPOSED PROVIDER DATA			
14. PROPOSED PROVIDER			
a. NAME		b. ADDRESS <i>(Street, Apt. or Suite Number, City, State, ZIP Code)</i>	
c. TELEPHONE NUMBER <i>(Include Area Code)</i>			
15. PROVIDER QUALIFICATIONS <i>(Attach separate statement, if necessary. A statement of qualifications from the proposed technical assistance provider will be acceptable.)</i>			
16. ALTERNATE PROPOSED PROVIDER <i>(If known. Attach additional pages as required.)</i>			
a. NAME		b. ADDRESS <i>(Street, Apt. or Suite Number, City, State, ZIP Code)</i>	
c. TELEPHONE NUMBER <i>(Include Area Code)</i>			
17. ALTERNATE PROVIDER QUALIFICATIONS <i>(Attach separate statement, if necessary. A statement of qualifications from the proposed technical assistance provider will be acceptable.)</i>			
SECT. CN V - CONTRACTING OFFICE APPROVAL			
<input type="checkbox"/>	APPROVED	18. SIGNATURE	19. TITLE
<input type="checkbox"/>	NOT APPROVED		20. DATE <i>(YYYYMMDD)</i>

DD FORM 2749 (BACK), DEC 1997

PART 204—USER CHARGES

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AUTHORITY: 31 U.S.C. 483a.

SOURCE: 51 FR 16024, Apr. 23, 1986, unless otherwise noted. Redesignated at 56 FR 64482, Dec. 10, 1991.

§ 204.1 Reissuance and purpose.

This part reissues 32 CFR part 204 and implements the DoD program under 31 U.S.C. 9701, and OMB Circular A-25 for establishing appropriate charges for authorized services provided by DoD organizations.

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 204.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). None of the provisions in this part should be construed as providing authority for the sale or lease of property, or the rendering of special services. Actions to convey such special benefits must be authorized by separate authority. The user charge policy is applicable except when other statutes or directives specifically direct other practices or procedures.

§ 204.3 Definitions.

Recipient. One who requests or receives the benefits of the service(s) provided.

§ 204.4 Policy.

(a) *General.* It is DoD policy not to compete with available commercial facilities (see 32 CFR part 169a) in providing special services or in the sale or lease of property to private parties and agencies outside the Federal Government. However, when a service or sale is made that conveys special benefits to recipients, above and beyond those accruing to the public at large, a reasonable charge shall be made to each identifiable recipient, except as other-

wise authorized by the Secretary of Defense. A special benefit will be considered to accrue, and a charge shall be imposed when the service rendered:

(1) Enables the recipient to obtain more immediate or substantial gain or values (which may or may not be measureable in monetary terms) than those which accrue to the general public; or

(2) Is performed at the request of the recipient and is above and beyond the services regularly received by or available without charge to the general public.

(b) *Costing.* (1) A charge shall be imposed to recover the full cost to the Federal Government of rendering a service or the fair market value of such 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 made based on recovery of full costs to the Federal Government.

(2) When federally owned resources or property are leased or sold, a fair market value shall be obtained. Fair market value shall be determined by the application of sound business management principles and, so far as practicable and feasible, in accordance with comparable commercial practices. Charges based on fair market value need not be limited to the recovery of costs; they may produce net revenues to the Government.

(c) *Exclusions and exceptions.* (1) The provisions of this part do not apply when other statutes or directives require different practices or procedures such as for:

(i) Morale, welfare, and recreation services to military personnel and civilian employees of the Department of Defense and other services provided in accordance with § 204.9.

(ii) Sale or disposal of surplus property under approved programs (See DoD Instruction 7310.1¹).

(iii) Services furnished the general public relating to, or in furtherance of, the U.S. Armed Forces recruiting program.

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

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(iv) Services furnished to representatives of the public information media in the interest of public understanding of the U.S. Armed Forces.

(v) U.S. Armed Forces participation in public events. Charges for such participation are governed by the provisions of 32 CFR part 238.

(vi) Records made available to the public, under the Freedom of Information Act, pursuant to 32 CFR part 286. Charges for such record searches and copies of records are governed by § 286.61.

(vii) Services furnished to non-Federal audio-visual media. Charges for such services are governed by the provisions of DoD Instruction 5410.15.²

(viii) Government-developed computer programs released to non-Federal customers. Charges for software packages are governed by DoD Instruction 7930.2.³

(ix) Pricing of performance by industrial fund activities which shall be in accordance with DoD Directive 7410.4.⁴

(2) Charges may be waived or reduced when:

(i) The recipient of the benefits is engaged in nonprofit activity designed for public safety, health, or welfare.

(ii) Payment of the full fee by a state, local government, or nonprofit group would not be in the interest of the program.

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

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

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991; 63 FR 33248, June 18, 1998; 63 FR 36992, July 8, 1998]

§ 204.5 Responsibilities.

Head of DoD Components, or designees, shall:

(a) Identify each service or activity covered by this part.

(b) Determine the extent of the special benefit provided.

^{2,3,4} See footnote 1 to § 204.4(c)(1)(ii).

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(c) Determine applicable cost and fair market value.

(d) Establish appropriate charges and collect from recipients of special services.

(e) Grant cost waivers or reductions consistent with guidance in this part.

(f) Recommend to the Comptroller of the Department of Defense necessary additions and revisions to § 204.10.

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 204.6 Charges and fees.

(a) *General.* (1) All charges and fees shall be based on total cost to the U.S. Government or fair market value, whichever is higher. Total cost shall be based on actual cost or replacement cost when property is to be replaced and expense data accumulated in accordance with DoD 7220.9-M.⁵ Estimates from the best available records may be used if actual cost or expense data is not available.

(2) Cost accounting systems shall not be established solely for the purpose of determining charges, but the results of existing cost accounting systems shall be used. Total cost shall include all direct and indirect costs (see Chapter 71, DoD 7220.9-M).

(3) Charges and fees established in advance must be projected to the midpoint of the future period. Projected amounts shall be reviewed annually or whenever significant changes in cost or value occur.

(4) Internal management controls (see DoD Directive 5010.38⁶ must be established to ensure that charges and fees are developed and adjusted, using current, accurate, and complete data, to provide reimbursement conforming to statutory requirements. Such controls also must ensure compliance with cash management and debt collection policies (see DoD Directive 7045.137).

(b) *Services*—(1) *Basic requirements.* The maximum charge for a special service shall be governed by its total cost or fair market value, whichever is higher, and not by the value of the service, to the recipient. The cost computation shall include the direct and indirect costs to the Government of

⁵⁻⁸ See footnote 1 to § 204.4(c)(1)(ii).

carrying out the activity. Typically, a service may involve the following:

(i) Civilian salaries or wages, including the full cost of benefits, such as leave, retirement, and medical and life insurance.

(ii) The full cost of military personnel services, including retirement, other personnel support, leave, and permanent change of station factors.

(iii) The cost of materials, supplies, travel expenses, communications, utilities, equipment and property rental, and maintenance of property and equipment.

(iv) Depreciation expense and interest of investment (currently at a 10 percent annual rate) (OMB Circular No. A-94) in DoD-owned, fixed assets.

(v) Other operational, administrative, and accessorial (DoD Instruction 7510.4⁸ costs incurred by the activity while establishing standards and regulations and research in support of the service performed, for example.

(2) *Fees and rates.* Fees and rates shall be based on actual costs. The charges for services provided by data processing activities shall be determined by using the costs accumulated pursuant to OMB Circular No. A-121 and Federal Government accounting Pamphlet No. 4 requirements. Fees and rates for recurring services shall be established in advance, when feasible. Recurring services include, but are not limited to, copying, certifying, and researching records, except when those services are excluded or exempted from charges under § 204.4(c) or § 204.9.

(3) *DoD-wide fees and rates.* Section 204.10 provides a schedule of fees and rates for certain services for use throughout the Department of Defense. Recommendations for additions and revisions to the schedule will be made to the Comptroller of the Department of Defense.

(c) *Lease or sale of property.* Charges for lease or sale of property shall be based on a determination of fair market value.

(1) In cases involving the lease or rental of military equipment, when there is no commercial counterpart, fair market value will be based on the computation of an annual rent which will be the sum of the annual depreciation plus interest on investment. The

amount of interest on investment is determined by applying the interest rate to the net book value; that is, acquisition cost plus additions less depreciation. The current interest rate in OMB Circular No. A-94 shall be used. Support, if furnished, and applicable general administration expenses will be extra. In determining the value, consideration may be given to the responsibility of the lessee to assume the risk of loss or damage to the property and to hold the Government harmless against claims or liabilities by the lessee or third parties.

(2) In cases involving the sale of property when there is no known fair market value, costs shall be based on the total of the standard price of the item carried in inventory, or the reduced price when so authorized for sale within the Department of Defense and the accessorial and administrative costs computed under DoD Instruction 7510.4.

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991; 63 FR 33248, June 18, 1998; 63 FR 36992, July 8, 1998]

§ 204.7 Collections.

(a) Collections of charges and fees shall be made in advance of rendering the service, except when preservation of life or property is involved, performance is authorized by law without advance payment, or advance payment is impractical because multiple requests for services are received on a continuing basis from a reliable requester (i.e., consistently prompt payments for services received). When an advance collection exception is approved, an accounts receivable will be established to control collections. The policies in DoD 7220.9-M, DoD Directive 5010.38, and DoD Directive 7045.13 shall be used in accounting, controlling, and managing cash and debt collections.

(1) Collections of fees and charges normally will be deposited to Miscellaneous Receipts of the Treasury unless otherwise authorized by law or regulation.

(2) Collections for utilities and services in connection with the lease of property will be deposited to the appropriation or fund responsible for financing the operations of the equipment or facility.

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§ 204.8 Legislative proposals.

In cases where collections of fees and charges for services or property are limited or restricted by provisions of existing law, the DoD Component(s) concerned will submit appropriate remedial legislative proposals under applicable legislative procedures. (See DoD Instruction 5500.4.⁹)

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991; 63 FR 33248, June 18, 1998; 63 FR 36992, July 8, 1998]

§ 204.9 Examples of benefits not to be charged under provisions of § 204.4(c)(4) of this part.

(a) Services requested by members of the U.S. Armed Forces in their capacity as Service members.

(b) Services requested by members of the U.S. Armed Forces who are in a casualty status, or requested by their next of kin or legal representative, or requested by any source, when it relates to a casualty.

(c) The address of record of a member or former member of the U.S. Armed Forces when the address is available readily through a directory (locator) service, and when the address is requested by a member of the U.S. Armed Forces or by a relative or a legal representative of a member of the U.S. Armed Forces or when the address of record is requested by any source for the purpose of paying monies or forwarding property to a member or former member of the U.S. Armed Forces.

(d) Services requested by or on behalf of a member or former member of the U.S. Armed Forces or, if deceased, his or her next of kin or legal representative that pertain to the following:

(1) Information required to obtain financial benefits regardless of the terms of separation from the Service.

(2) Document showing membership and military record in the Armed Forces if discharge or release was under honorable conditions, except as provided in paragraphs (1) and (2) of this section.

(3) Information relating to a decoration or award or required for memorization purposes.

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

(5) Personal documents, such as birth certificates, when such documents are required to be furnished by the member.

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

(f) Information from or copies of medical and dental records or X-ray films of patients or former patients of military medical or dental facilities, when such information is required and requests for such data are (1) submitted by an accredited medical facility, physician, or dentist; or (2) requested by the patient, his or her next of kin, or legal representative.

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

(h) Services requested by and furnished to a Member of Congress for official use.

(i) Services requested by state, territorial, county, or municipal government, or an agency thereof, that is performing a function related to or furthering of a DoD objective.

(j) Services requested by a court, when the service will serve as a substitute for personal court appearance of a military or civilian employee of the Department of Defense.

(k) Services requested by a nonprofit organization that is performing a function related to or furthering an objective of the Federal Government or that is in the interest of public health and welfare, including education.

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

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

(n) Requests for occasional and incidental services (including requests from residents of foreign countries), that are not requested often, when it is

⁹See footnote 1 to § 204.4(c)(1)(ii).

determined administratively that a fee would be inappropriate for the occasional and incidental services.

(o) Requests from Federal employees for the completion of claims for reimbursement under the Federal Employees Health Benefit Act of 1959.

(p) Administrative services provided by reference or reading rooms to inspect public records, excluding copies of records or documents furnished.

(q) Requests for military locator service by financial organizations that are located on DoD installations.

(r) Requests for military locator service by financial organizations that are engaged in the direct deposit program and that are not located on DoD installations. Requests for an address of record shall include the following:

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

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

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

(s) Services rendered in response to requests for classification review of DoD classified records, submitted under Executive Order 12065 and implemented by 32 CFR part 159. Such services consist of the work performed in conducting the classification review or in granting and completing an appeal from a denial of declassification following such review.

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

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]

§ 204.10 Schedule of fees and rates.

This schedule applies to authorized services related to copying, certifying,

and searching records rendered to the public by DoD Components, except when those services are excluded or excepted from charges under subsection D.3. of the basic Instruction, or §204.9. Except as provided in special cases prescribed below, a minimum fee of \$3.50 will be levied for processing any chargeable case. Normally only one copy of any record or document will be provided.

Requests Involving

(a) *Training and education (copies of documents required for other than official purposes):*

	Fee
(1) Transcripts:	
First copy	\$3.50
Each additional copy (includes requests for transcripts of graduation from military academies and schools) .....	.45
(2) Certificates:	
First copy	3.50
Each additional copy (includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities) .....	.45

(b) *Medical and dental records of patients and former patients (when requested for purposes other than further medical treatment).* Covers requests for information from or copies of medical records, including clinical records (inpatient records of military and non-military patients), health records (military outpatient records), outpatient records (non-Military outpatient records), dental records, and loan of x-rays.

(1) Searching and processing (per hour).....	\$13.25
Minimum charge	8.30
(2) Each typewritten page	3.50
(3) Office copy reproductions (per image)	0.10
(4) Copy or loan of each x-ray.....	8.50

(c) *Military membership and record (excluding medical and dental records).*

(1) Address of record, each

(2) Copies of releasable military personnel records (e.g., effectiveness reports for officers and enlisted personnel) reproduced for the personal use

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of active, retired, and former members, next of kin of missing-in-action or deceased members of the Armed Forces.

Minimum charge (up to six reproduced images)	\$3.50
Each additional image .....	.10
Statement of verification of Service or report of separation for individuals with other than honorable discharges	5.20

(d) *Photography*—(1) *Still pictorial or documentary photographic prints.* Unlisted standard sizes of prints may be furnished, if available, at prevailing contract or activity rates.

	Price per print (quantity)			
	1 to 9	10 to 20	21 to 50	50+
Single weight (RC type) paper:				
8"×10"	\$4.50	\$3.25	\$2.50	\$1.75
11"×14"	9.00	7.00	5.00	4.00
16"×20"	19.00	15.00	12.00	9.50
20"×24"	30.00	25.00	20.00	15.00
Single weight color paper:				
8"×10"	11.00	7.50	3.50	3.00
11"×14"	17.00	9.00	6.50	5.50
16"×20"	35.00	25.00	14.00	11.50
35mm color transparency slide made from color negative	5.00	3.50	3.00	3.00
35mm duplicate from 35mm slide	1.00	.60	.50	.45
Print mounted on 16"×20" cardboard + unit price of print	8.00			
Print mounted on 20"×24" cardboard + unit price of print	12.00			
Color transparencies (first); 16.00 each additional:				
8"×10"	20.00			
4"×5"	4.50			
4"×5" B&W negative	2.00			
70mm color negative	7.50			

NOTE: Prices may vary by 20% of these average charges based on local inhouse labor, equipment, and supply (raw stock) costs.

(2) *Motion Picture:*

	Price per foot contact
Color:	
16mm work print (positive work print from an original negative)	\$0.20
16mm reversal work print .....	.20
16mm color master ("A" roll) .....	.60
16mm duplicate negative (from master positive) .....	.60
16mm reversal duplicate negative .....	.85
16mm internegative (from reversal original) .....	.70

	Price per foot contact
16mm short rolls (under 100 ft) + basic price .....	.10
16mm tab-to-tab printing + basic price .....	.20
Black and white:	
16mm work print (negative/positive) .....	.10
16mm master positive (fine grain) .....	.25
16mm duplicate negative .....	.25
16mm short rolls (under 200 ft) + basic price .....	.10
16mm tab-to-tab printing + basic price .....	.10

(3) *Miscellaneous:*

Magnetic tape—dub from 16mm film + raw stock	\$65.00
Searching (per hour or fraction thereof)	18.00
Minimum charge per film order (including search)	35.00
16mm film to videotape (broadcast quality tape format per hour) + raw stock	275.00
Minimum charge for film to videotape transfer + raw stock	140.00

Aerial photographic print processing prices will be determined by the local DoD-operated lab due to limited availability.

35mm film processing for motion pictures is not done in-house by the DoD. Charges for this type of processing will be at prevailing contract rates on a case-by-case basis.

(e) *Construction and engineering information.* Copies of aerial photograph maps, specifications, permits, charts, blueprints, and other technical engineering documents.

- (1) Searching, per hour or fraction thereof (including overhead costs)
- \$13.25
- (2) First print
- 2.50
- (3) Each additional print of same document
- 0.85

(f) *Copies of medical articles and illustrations.* Standards contained in the basic Instruction will be utilized in computing costs.

(g) *Claims, litigation.* Copies of documents required for other than official purposes. (Includes court-martial records furnishing information from Report of Claims Investigations; e.g., automobile collision investigations and safety reports.) Requests pertaining to private litigation and to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government (if not covered in 2. or 3., above).

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- (1) Searching and processing (per hour).....\$13.25
- Minimum charge8.30

NOTE: Charges for professional search or research will be made in accordance with 10.b., below.

- (2) Office copy reproduction (minimum for six pages or less)\$3.50
- (3) Each additional image0.10
- (4) Certification and validation with seal, each.....5.20

(h) *Publications and forms.* A search and/or processing fees, as described in 10.a., below, will be made for requests requiring extensive time (one hour or more).

(1) *Shelf stock.* (Requesters may be furnished more than one copy of publication or form if it does not deplete stock levels below projected planned usage.)

- (i) Minimum fee per request (six pages or less)\$3.50

Plus:

- (A) Form, per copy\$3.10
- (B) Publications, per printed page02
- (C) Microfiche, per fiche10

(ii) (Examples: Cost of 20 forms, \$5.50; cost of a publication with 100 pages, \$5.50; cost of microfiche publication consisting of 10 fiches, \$4.50)

(2) Office copy reproduction (when shelf stock is not available):

- (i) Minimum fee per request (six pages or less)\$3.50
- (ii) Each additional page10
- (iii) Minimum charge first fiche8.70
- (iv) Each additional fiche20

(i) *Engineering data (microfilm)—(1) Aperture cards.*

- (i) Silver duplicate negative, per card\$0.75
- When keypunched and verified, per card.....85
- (ii) Diazo duplicate negative, per card65
- When keypunched and verified, per card.....75

- (2) 35mm roll film, per frame.....0.50
- (3) 16mm roll film, per frame.....0.45
- (4) Paper prints (engineering drawings), each1.50
- (5) Paper reprints of microfilm indices, each.....0.10

(j) *General.* Charges for any additional services not specifically provided above, consistent with the provisions of the basic Instruction, will be

made by the respective DoD Components at the following rates:

- (1) Clerical search and processing, per hour.....\$13.25
- Minimum charge8.30
- (2) Professional search or researching (To be established at actual hourly rate prior to search. A minimum charge will be established at ½-hourly rates.).....
- (3) Minimum charge for office copy reproduction (up to six images).....3.50
- (4) Each additional image0.10
- (5) Each typewritten page3.50
- (6) Certification and validation with seal, each.....5.20
- (7) Hand-drawn plots and sketches, each hour or fraction thereof.....12.00

[51 FR 16024, Apr. 23, 1986. Redesignated and amended at 56 FR 64482, Dec. 10, 1991]

PART 205—END USE CERTIFICATES (EUCs)

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- 205.3 Definitions.
- 205.4 Background and policy.
- 205.5 Responsibilities.
- 205.6 Procedures.

AUTHORITY: 10 U.S.C. 131.

SOURCE: 56 FR 64194, Dec. 9, 1991, unless otherwise noted.

§ 205.1 Purpose.

This part:

- (a) Supersedes the Deputy Secretary of Defense Memorandum, "End Use Certificates," April 9, 1991.
- (b) Establishes policies, assigns responsibilities, and prescribes procedures for signing EUCs on foreign defense items.

§ 205.2 Applicability.

This part applies to the Office of the Secretary of Defense; the Military Departments; the Chairman of the Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Commands; the Office of the Inspector General, Department of Defense; the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as "DoD Components").