



PUBLIC NOTICE

Federal Communications Commission
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MODIFICATION OF THE FREEDOM OF INFORMATION ACT FEE SCHEDULE

The Freedom of Information Act (FOIA) requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidance issued by the Office of Management and Budget (OMB).¹ In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines.² However, because the FOIA requires that each agency's fees be based upon the direct cost incurred by the agency in providing FOIA services,³ OMB did not provide a unitary, government-wide schedule of fees.

The Commission bases its FOIA Fee Schedule on the grade level of the employee who processes the request. See 47 CFR § 0.467(a)(2). Thus effective January 1987, the Fee Schedule is computed at Step 5 of each grade level on the General Schedule and includes an additional 20 percent for personnel benefits. The Commission's rules provide that the Fee Schedule will be modified periodically to correspond with modifications in the rate of pay approved by Congress. Pursuant to 47 CFR § 0.467(a)(1) note, the Commission announces modifications to the hourly fees by Public Notice, and posts the fee chart on its FOIA website, <https://www.fcc.gov/reports-research/guides/how-file-foia-request>.

Accordingly, by this Public Notice we are modifying the Commission's Freedom of Information Act Fee Schedule. The Commission is revising the schedule of fees required by Section 0.467 of its rules, 47 CFR § 0.467,⁴ for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules, 47 CFR §§ 0.460(e) and 0.461. The revisions correspond to modifications in the rate of pay approved by Congress for 2023 and in accordance with the President's December 23, 2022 Executive Order.⁵

¹ 5 U.S.C. § 552(a)(4)(A)(i).

² 52 FR 10012 (March 27, 1987).

³ 5 U.S.C. § 552(a)(4)(A)(iv).

⁴ These fees may be restricted or waived in accordance with 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470(e).

⁵ Exec. Order 14090, Adjustments of Certain Rates of Pay (Dec. 23, 2022).

The current FOIA Fee Schedule is as follows. Please note that these fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress.

| <i><u>Grade</u></i> | <i><u>Hourly Fee</u></i> |
|---------------------|------------------------------|
| GS-1 | 18.13 |
| GS-2 | 19.74 |
| GS-3 | 22.25 |
| GS-4 | 24.97 |
| GS-5 | 27.94 |
| GS-6 | 31.14 |
| GS-7 | 34.61 |
| GS-8 | 38.33 |
| GS-9 | 42.32 |
| GS-10 | 46.62 |
| GS-11 | 51.22 |
| GS-12 | 61.38 |
| GS-13 | 73.00 |
| GS-14 | 86.26 |
| GS-15 | 101.46 |

The Fee Schedule contained herein is effective upon release of this Public Notice in accordance with 47 CFR § 0.467(a)(1) note.

Note that the copy charge is \$0.10 per page, and the cost for a computer disk is \$5.00. See 47 CFR § 0.465(c)(2).

For further information, please contact Stephanie Kost, FOIA Public Liaison, Office of the Managing Director, Performance Evaluation and Records Management at (202) 418-0440 or FOIA-Public-Liaison@fcc.gov.

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