

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Director, Defense Office of Hearings and Appeals, PO Box 3656, Arlington, VA 22203-1995.

Individual should provide full name and any former names used, date and place of birth, and Social Security Number.

Some records may be made available for review at DOHA Headquarters upon appointment made with the Director. Individual must be able to provide picture identification or a valid driver's license.

Requests must be signed and notarized or, if the individual does not have access to notary services, preceded by a signed and dated declaration verifying the identity of the requester, in substantially the following form: *'I certify that the information provided by me is true, complete, and accurate to the best of my knowledge and belief and this request is made in good faith. I understand that a knowing and willful false, fictitious or fraudulent statement or representation can be punished by fine or imprisonment or both. (Signature).'*

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction No. 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

For OCHAMPUS Cases: Case files referred by OCHAMPUS to DOHA Administrative Judges; correspondence and supplementary material from DOHA to the parties in connection with the handling of the case; correspondence, pleadings, written submissions and evidence associated with hearings from parties to such proceedings; DoD correspondence associated with receipt and transmittal of case files.

For DoD Education Activity Cases: Case files assigned to DOHA Administrative Judges for hearing and/or administrative appeals; correspondence and supplementary material from DOHA to the parties in connection with the handling of the case; correspondence, pleadings, written submissions and evidence associated with hearings or appeals from parties to such proceedings; rulings, orders, and written decisions from hearing officers or appeal board; correspondence from

individuals, their attorneys, or authorized representatives; and DoD correspondence associated with receipt and transmittal of case files.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

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Defense Logistics Agency**Privacy Act of 1974; Computer Matching Program Between the United States Department of Agriculture and the Defense Manpower Data Center of the Department of Defense**

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, Department of Defense.

ACTION: Notice of a computer matching program between the United States Department of Agriculture (USDA) and the Department of Defense (DoD) for public comment.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving constructive notice in lieu of direct notice to the record subjects of a computer matching program between USDA and DoD that their records are being matched by computer. The record subjects are USDA delinquent debtors who may be current or former Federal employees receiving Federal salary or benefit payments and who are indebted and or delinquent in their repayment of debts owed to the United States Government under programs administered by USDA so as to permit USDA to pursue and collect the debt by voluntary repayment or by administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982.

DATES: This proposed action will become effective December 1, 1995, and the computer matching will proceed accordingly without further notice, unless comments are received which would result in a contrary determination or if the Office of Management and Budget or Congress objects thereto. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202-4502.

FOR FURTHER INFORMATION CONTACT: Mr. Aurelio Nepa, Jr. at telephone (703) 607-2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and USDA have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies for debt collection. The match will yield the identity and location of the debtors within the Federal government so that USDA can pursue recoupment of the debt by voluntary payment or by administrative or salary offset procedures. Computer matching appeared to be the most efficient and effective manner to accomplish this task with the least amount of intrusion of personal privacy of the individuals concerned. It was therefore concluded and agreed upon that computer matching would be the best and least obtrusive manner and choice for accomplishing this requirement.

A copy of the computer matching agreement between USDA and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Mr. Reynaldo Gonzalez, U.S. Department of Agriculture, Debt Collection Coordinator, 14th and Independence Avenue, SW, Room 3019, South Building, Washington, DC 20250. Telephone (202) 720-1168.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the Federal Register at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on October 19, 1995, to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A-130, 'Federal Agency Responsibilities for Maintaining Records about Individuals,' dated July 15, 1994 (59 FR 37906, July 25, 1994). The matching program is subject to review by OMB and Congress and shall not become effective until that review period has elapsed.

Dated: October 26, 1995.

Patricia L. Toppings,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

NOTICE OF A COMPUTER MATCHING PROGRAM BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF DEFENSE FOR DEBT COLLECTION

A. Participating Agencies:

Participants in this computer matching program are the United States Department of Agriculture (USDA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The USDA is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. Purpose of the match: Upon the execution of this agreement, the USDA will provide and disclose debtor records to DMDC to identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal Government under certain programs administered by the USDA. The USDA will use this information to initiate independent collection of those debts under the provisions of the Debt Collection Act of 1982 when voluntary payment is not forthcoming. These collection efforts will include requests by the USDA of the employing agency to apply administrative and/or salary offset procedures until such time as the obligation is paid in full.

C. Authority for conducting the match: Debt Collection Act of 1982 (Pub. L. 97-365), 31 U.S.C. Chapter 37, Subchapter I (General) and Subchapter II (Claims of the United States Government), 31 U.S.C. section 3711 Collection and Compromise, 31 U.S.C. section 3716 Administrative Offset, 5 U.S.C. section 5514 Installment Deduction for Indebtedness (Salary Offset); 10 U.S.C. section 136, Assistant Secretaries of Defense, Appointment Powers and Duties; section 206 of Executive Order 11222; 4 CFR chapter II, Federal Claims Collection Standards (General Accounting Office - Department of Justice); 5 CFR 550.1101 - 550.1108 Collection by Offset from Indebted Government Employees (OPM); and 7 CFR part 3, Debt Management (USDA).

D. Records to be matched: The systems of records maintained by the respective agencies under the Privacy

Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

Record system identified as Applicant/Borrower or Grantee File (USDA/FmHA-1), routine use number 2, last published in the Federal Register at 53 FR 5205 on February 22, 1988.

Record system identified as Accounts Receivable (USDA/FCIC-1), routine use number 9, last published in the Federal Register at 53 FR 4047 on February 11, 1988.

Record system identified as Claims Data Base (Automated) (USDA/ASCS-28), routine use number 8, last published in the Federal Register at 53 FR 2517 on January 28, 1988.

Record system identified as Administrative Billings and Collections (USDA/OFM-3), routine use number 6, last published in the Federal Register at 54 FR 25883 on June 20, 1989.

DMDC will use personal data from the record systems identified as S322.11 DMDC, entitled 'Federal Creditor Agency Debt Collection Data Base,' last published in the Federal Register on February 22, 1993, at 58 FR 10875.

Sections 5 and 10 of the Debt Collection Act (Pub.L. 97-365) authorize agencies to disclose information about debtors in order to effect salary or administrative offsets. Agencies must publish routine uses pursuant to subsection (b)(3) of the Privacy Act for those systems of records from which they intend to disclose this information. Sections 5 and 10 of the Debt Collection Act will comprise the necessary authority to meet the Privacy Act's 'compatibility' condition. The systems of records described above contain an appropriate routine use disclosure between the agencies of the information proposed in the match. The routine use provisions are compatible with the purpose for which the information was collected.

E. Description of computer matching program: USDA, as the source agency, will provide DMDC with a magnetic tape which contains the names of delinquent debtors in programs the USDA administers. Upon receipt of the computer tape file of debtor accounts, DMDC will perform a computer match using all nine digits of the SSN of the USDA file against a DMDC computer database. The DMDC database, established under an interagency agreement between DOD, OPM, OMB, and the Department of the Treasury, consists of employment records of Federal employees and military members, active, and retired. Matching records ('hits'), based on the SSN, will

produce the member's name, service or agency, category of employee, and current work or home address. The hits or matches will be furnished to the USDA. The USDA is responsible for verifying and determining that the data on the DMDC reply tape file are consistent with the USDA's source file and for resolving any discrepancies or inconsistencies on an individual basis. The USDA will also be responsible for making final determinations as to positive identification, amount of indebtedness and recovery efforts as a result of the match.

The magnetic computer tape provided by USDA will contain data elements of the debtor's name, Social Security Number, internal account numbers and the total amount owed on approximately 121,000 delinquent debtors.

The DMDC computer database file contains approximately 10 million records of active duty and retired military members, including the Reserve and Guard, and the OPM government wide non-postal Federal civilian records of current and retired Federal employees.

F. Inclusive dates of the matching program: This computer matching program is subject to review by the Office of Management and Budget and Congress. If no objections are raised by either, and the mandatory 30 day public notice period for comment has expired for this Federal Register notice with no significant adverse public comments in receipt resulting in a contrary determination, then this computer matching program becomes effective and the respective agencies may begin the exchange of data 30 days after the date of this published notice at a mutually agreeable time and will be repeated annually. Under no circumstances shall the matching program be implemented before the 30 day public notice period for comment has elapsed as this time period cannot be waived. By agreement between USDA and DMDC, the matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. Address for receipt of public comments or inquiries: Director, Defense Privacy Office, Crystal Mall 4, Room 920, 1941 Jefferson Davis Highway, Arlington, VA 22202-4502. Telephone (703) 607-2943.

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