

Chair will direct them to the appropriate panel member.

DATES: March 15, 1999, 9:30 a.m. to 12:30 p.m.

LOCATION: SBA's Washington District Office Conference Room, 1110 Vermont Avenue, NW, Washington, DC 20005.

POSSIBLE ISSUES: The SBA requests that speakers address the following issues:

- Can this concept help increase SBA lending to New Markets?
- How should SBA select NMLC participants?
- Should the SBA require that a minimum percentage of lending by each NMLC be directed to New Markets? If so, what should that minimum percentage be?
- How many firms should be allowed to participate?
- What, if any, time limit should be established for the program?
- What level of capitalization should SBA require of NMLC pilot participants?
- What loan volume should SBA expect from NMLCs?
- What oversight should SBA apply to this program?
- Should SBA give these firms PLP and/or SBA *Express* authority?
- What incentives should SBA consider to encourage these firms to lend in non-traditional markets?
- What support should SBA provide lenders to address these markets?
- What will be the likely impact of this program on existing SBA lenders?
- In lieu of the proposed NMLC program, should SBA open the SBLC program to additional participants?

FOR FURTHER INFORMATION CONTACT: Charles Thomas, Chief, Pilot Operations, Office of Financial Assistance, (202) 205-6656.

Jane Palsgrove Butler,

Associate Administrator for Financial Assistance.

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SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974; As Amended; Report of New System of Records and Routine Uses

AGENCY: Social Security Administration.

ACTION: New System of Records and Routine Uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(4)), we are issuing public notice of our intent to establish a new system of records. The proposed system of records is entitled the Prisoner Update Processing System

(PUPS), SSA/OPB, SSA-099. The proposed system will maintain information collected for use in connection with enforcement of the nonpayment of benefits provisions of the Social Security Act (the Act) affecting certain inmates of public institutions and prisoners, as well as certain other confined individuals. We are also proposing routine uses of information which will be maintained in the system in accordance with 5 U.S.C. 552a(e)(11). We invite public comments on the proposed system and the routine uses.

DATES: We filed a report of the proposed system with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget on February 23, 1999. The proposed system, including the proposed routine uses, will become effective on April 5, 1999, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESSES: Interested individuals may comment on this publication by writing to the SSA Privacy Officer, Social Security Administration, 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. All comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Willie J. Polk, Office of Disclosure Policy, Social Security Administration, 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (410) 965-1753.

SUPPLEMENTARY INFORMATION:

I. Purpose of the Proposed System

Section 202(x) of the Social Security Act (the Act) (42 U.S.C. 402(x)) provides for nonpayment of Retirement, Survivors, or Disability Insurance benefits under title II of the Act to individuals confined in a jail, prison, or other penal institution or correctional facility pursuant to conviction of an offense punishable by imprisonment for more than one year (regardless of the sentence imposed), and to individuals who are confined by court order in an institution at public expense in connection with: (a) A verdict or finding that the individual is guilty but insane with respect to an offense punishable by imprisonment for more than one year, (b) a verdict or finding that the individual is not guilty of such an offense by reason of insanity, (c) a finding that such individual is incompetent to stand trial under an

allegation of such an offense, (d) a similar verdict or finding with respect to such an offense based on similar factors (such as mental defect or mental incompetence). Similarly, section 1611(e)(1)(A) of the Act (42 U.S.C. 1382(e)(1)(A)) provides for nonpayment of Supplemental Security Income (SSI) benefits under title XVI of the Act to any individual for any month throughout which the individual is an inmate of a public institution. Section 1611(e)(1)(I)(i) of the Act provides for incentive payments to be made by SSA to inmate data sources for information leading to suspension of SSI payments to an SSI recipient.

The proposed PUPS system will maintain information collected for the purpose of determining whether an individual is subject to the above-cited payment restriction provisions, and provide a control mechanism for any inmate or confinement alerts generated by relevant computer matching programs or by informal reports to SSA regarding an individual's confinement. It will facilitate the suspension of benefits where appropriate and the reinstatement of benefits to released inmates and other confined persons. Inmates considered possibly subject to the nonpayment of benefit provisions will be afforded all due process rights under applicable statutes, regulations, and procedures before any action is taken to suspend their benefits.

II. Collection and Maintenance of Data in the Proposed System

The proposed PUPS system will primarily contain information about persons reported to SSA as confined individuals under Privacy Act computer matching agreements for the provision of records of confined individuals to SSA. (Certain information on confined individuals is reported to SSA under agreements which are, along with any information exchanged pursuant to the agreements, wholly exempt from the Privacy Act requirements. This data will *not* be incorporated into PUPS. See section 1611(e)(1)(I) of the Act, 42 U.S.C. 1382(e)(1)(I).) The records in the system will include those of individuals reported by jails, prisons, other penal institutions or correctional facilities and certain mental health institutions. We also may receive and incorporate into the system relevant information from individuals and certain other third-party sources, such as news media, etc., under informal reporting arrangements. The system will maintain information on both title II beneficiaries entitled to RSDI benefits and title XVI SSI recipients, as well as non-beneficiaries and non-recipients who may have

claims in some stage of SSA's adjudicative process. The specific information maintained will include the individual's name, Social Security number, date of birth, sex, date of conviction, date of confinement, release date, inmate status code, and such other information as may be supplied or acquired during the benefit suspension or reinstatement process. The information will be retrieved by Social Security number.

III. Proposed Routine Uses of Information in the System

We are proposing to establish routine uses of information which will be maintained in the system as discussed below.

1. Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when the data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(a) His or her eligibility for benefits under a Social Security program;

(b) The amount of his or her benefit payment;

(c) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

We contemplate disclosing information under this routine use as necessary to enable SSA to fully develop and investigate information it receives from reporting sources with regard to confined individuals, to ensure the accuracy of such information, to contact the reporting source, or other sources, for additional information, if necessary, and to make certain that any suspension action taken is proper.

2. Disclosure to third-party contacts where necessary to establish or verify information presented by representative payees or payee applicants.

We contemplate disclosing information under this routine use in situations paralleling (1) above except that, in situations where SSA will be developing benefit eligibility through a representative payee, we will disclose information presented by such a payee for verification purposes.

3. Disclosure to the Department of Justice (DOJ) for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security in litigation relative to this system of records;

(c) Investigating issues of fraud by agency officers or employees, or violations of civil rights.

We contemplate disclosing information under this routine use as necessary to assist DOJ in pursuing possible violations of section 208 of the Act (42 U.S.C. 408), facilitate representation of the Commissioner of Social Security where necessary in litigation relative to this system of records and to combat possible fraud by agency officers or employees in connection with this system of records.

4. Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

We contemplate disclosing information under this routine use as necessary to enable the Office of the President to respond to an individual pursuant to an inquiry from that individual or from a third party on his or her behalf about a Social Security matter involving the individual.

5. Disclosure to a congressional office in response to an inquiry from that office made at the request of the subject of a record.

We contemplate disclosing information under this routine use only in situations in which an individual may ask his or her congressional representative to intercede in an SSA matter on his or her behalf. Information would be disclosed when the congressional representative makes an inquiry and presents evidence that he or she is acting on behalf of the individual whose record is requested.

6. Disclosure in response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Act.

We contemplate disclosing information under this routine use only where the specific requirements set forth in sections 459 and 461 of the Act are met, and only to the extent necessary to enable SSA to comply with its legal obligations under those sections of the Act.

7. Disclosure to Federal, State, or local agencies, (or agents on their behalf) for administering income-maintenance or health-maintenance programs (including programs under the Act).

We contemplate disclosing information under this routine use to various other Federal, State, or local agencies to assist such agencies in the administration of income-maintenance

and/or health-maintenance programs whose character, nature and purpose are similar to SSA programs. Examples of such programs are veterans benefits, food stamps, and Medicaid. The purpose of these disclosures is to assist such agencies in establishing eligibility for such programs, to provide information necessary to enforce eligibility restrictions in such programs, and to combat and prevent fraud, waste and abuse in those programs.

8. Disclosure to third-party contacts (including private collection agencies under contract to SSA) for the purpose of assisting SSA in recovering overpayments.

We contemplate disclosing information under this routine use only for the purpose of enhancing and improving SSA's debt collection activities and only as permitted by statute.

9. Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.

We contemplate disclosing information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

10. Disclosure to DOJ, a court or other tribunal, or other third party before such tribunal when:

(a) SSA, or any component thereof; or

(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components;

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

We contemplate disclosing information under this routine use, as necessary, to enable DOJ, a court or other tribunal, to effectively defend SSA, its components or employees or when SSA has an interest in litigation involving the proposed system of records and/or records contained therein.

IV. Compatibility of Proposed Routine Uses

The Privacy Act (5 U.S.C. 552a(7) and (b)(3)) and our disclosure regulation (20 CFR part 401) permit us to disclose information under a routine use for a purpose which is compatible with the purpose for which we collected the information. Section 401.150 permits us to disclose information under a routine use where necessary to assist in carrying out SSA programs or similar programs of other agencies. The proposed routine uses will ensure efficient administration of SSA's relevant suspension and incentive payment programs. They will also assist in implementing other programs which have the same purposes as SSA programs where disclosure of information to such other programs is relevant to determinations of eligibility, benefit amounts or other matters of benefit status in those other programs. Thus, the proposed routine uses are consistent with the Privacy Act and SSA's regulatory criteria.

V. Records Storage Medium and Safeguards

We will maintain information in the system on magnetic media (e.g., magnetic tapes and magnetic diskette) in a secure storage area. Only authorized SSA personnel who have a need for the information in the performance of their official duties will be permitted access to the information. When records are electronically transmitted between SSA's central office and field office locations, safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix and secured printers.

VI. Effect of the System on Individuals

The proposed system will maintain information which could lead to suspension of Social Security title II/title XVI benefits to certain confined individuals. These suspension actions, however, would only occur after complete development by SSA of the facts of each case, and after each individual has been afforded all appropriate due process and appeal rights. Thus, we do not anticipate that the system will have any unwarranted adverse effect on the privacy of individuals.

Dated: February 23, 1999.

Kenneth S. Apfel,

Commissioner of Social Security.

SSA-099

SYSTEM NAME:

Prisoner Update Processing System (PUPS), SSA/OPB.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Social Security Administration, Office of Systems Operations, 6401 Security Boulevard, Baltimore, MD 21235

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons reported to the Social Security Administration, under Privacy Act computer matching agreements as well as certain informal reporting arrangements, as confined in certain institutions. Certain data regarding confined individuals is reported to SSA under agreements which are, along with any information exchanged pursuant to the agreements, wholly exempt from the Privacy Act's requirements. See section 1611(e)(1)(I) of the Social Security Act (Act), 42 U.S.C. 1386(e)(i)(I). The records in the system will include those of individuals reported by jails, prisons, other penal institutions or correctional facilities, certain mental health institutions and various third parties, including media sources. The records included will be those of Retirement, Survivors, or Disability Insurance (RSDI) and Supplemental Security Income (SSI) beneficiaries, as well as non-beneficiaries who may have claims in some stage of SSA's adjudicative process.

CATEGORIES OF RECORDS IN THE SYSTEM:

PUPS will contain all identifying information requested by SSA and supplied by the reporting source, including the individual's name, Social Security number, date of birth, sex, date of conviction, date of confinement, release date, inmate status code, and such other information as may be supplied or acquired during the benefit suspension or reinstatement process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 202(x)(1) and 1611(e)(1) of the Act.

PURPOSE(S):

PUPS will record inmate information in support of the above cited provisions mandating nonpayment of RSDI and SSI benefits to certain confined individuals. All information on the system will be maintained under each affected individual's Social Security number. The PUPS system will expedite the handling of inmate reports in SSA field offices, and provide a control mechanism for any inmate or confinement alerts generated by SSA's computer matching programs or by informal reports to SSA regarding an individual's confinement. It will facilitate the suspension of benefits to

appropriate individuals, and the reinstatement of benefits to beneficiaries when such individuals are released from confinement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made for routine uses as indicated below:

1. Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information relating to the individual's eligibility for, or entitlement to, benefits under a Social Security program when the data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following:

(a) His or her eligibility for benefits under a Social Security program;

(b) The amount of his or her benefit payment;

(c) Any case in which the evidence is being reviewed as a result of suspected fraud, concern for program integrity, quality appraisal, or evaluation and measurement activities.

2. Disclosure to third-party contacts where necessary to establish or verify information presented by representative payees or payee applicants.

3. Disclosure to the Department of Justice (DOJ) for:

(a) Investigating and prosecuting violations of the Act to which criminal penalties attach;

(b) Representing the Commissioner of Social Security;

(c) Investigating issues of fraud by agency officers or employees, or violations of civil rights.

4. Disclosure to the Office of the President for the purpose of responding to an individual pursuant to an inquiry received from that individual or from a third party on his/her behalf.

5. Disclosure to a congressional office in response to an inquiry from that office made at the request of the subject of a record.

6. Disclosure in response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required under sections 459 and 461 of the Act.

7. Disclosure to Federal, State, or local agencies, (or agents on their behalf) for administering income-maintenance or health-maintenance programs (including programs under the Act).

8. Disclosure to third-party contacts (including private collection agencies under contract to SSA) for the purpose of assisting SSA in recovering overpayments.

9. Disclosure to contractors and other Federal agencies, as necessary, for the purpose of assisting SSA in the efficient administration of its programs.

10. Disclosure to DOJ, a court or other tribunal, or other third party before such tribunal when:

(a) SSA, or any component thereof; or
(b) Any SSA employee in his/her official capacity; or

(c) Any SSA employee in his/her individual capacity where DOJ (or SSA where it is authorized to do so) has agreed to represent the employee; or

(d) The United States or any agency thereof where SSA determines that the litigation is likely to affect the operations of SSA or any of its components;

is a party to litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, the court or other tribunal is relevant and necessary to the litigation, provided, however, that in each case, SSA determines that such disclosure is compatible with the purpose for which the records were collected.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in magnetic media (e.g., magnetic tape and magnetic diskette).

RETRIEVABILITY:

Records in this system are indexed and retrieved by SSN.

SAFEGUARDS:

Security measures include the use of access codes to enter the computer system which will maintain the data, and storage of the computerized records in secured areas which are accessible only to employees who require the information in performing their official duties. SSA personnel who have access to the data will be informed of the criminal penalties of the Privacy Act for unauthorized access to or disclosure of information maintained in this system. For records electronically transmitted between SSA's central office and field office locations, safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix and secured printers.

RETENTION AND DISPOSAL:

SSA will retain PUPS records for the period of time required for the processing related to the relevant data exchange and then, within 12 months, will either return the records to the source or destroy the records, unless the

records must be retained in individual claim folders for documentation purposes and/or to meet evidentiary requirements. In that instance, the records eventually will be retired to the Federal Records Center and destroyed, in accordance with the applicable Federal Records Retention Schedule (44 U.S.C. 3303a) and any other relevant standards established by SSA and the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Payment Policy, Office of Program Benefits, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235.

NOTIFICATION PROCEDURE:

An individual can determine if this system contains a record about him/her by contacting the most convenient Social Security field office and providing his/her name, Social Security number, address, and proper identification. (Furnishing the SSN is voluntary, but it will make searching for an individual's record easier and prevent delay). An individual may also write to the System Manager shown above.

An individual requesting notification of records in person must provide at least one piece of tangible identification such as a driver's license, passport, voter registration card, etc., to verify his/her identity. If an individual does not have identification papers sufficient to establish his/her identity, that individual must certify in writing that he/she is the person they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense (see 5 U.S.C. 552a(i)(1)(3)). If notification is requested by telephone, an individual must verify his/her identity by providing identifying information which parallels the record to which notification is being requested. If it is determined that the identifying information provided by telephone is insufficient, the individual will be required to submit a request in writing or in person. If a request for notification is submitted by mail, an individual must include a notarized request to SSA to verify his/her identity or must certify in the request that he/she is the person they claim to be and that they understand that the knowing and willful request for or acquisition of a record pertaining to an individual under false pretenses is a criminal offense. These procedures are in accordance with SSA Regulations 20 CFR 401.45.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. These procedures are in accordance with SSA Regulations 20 CFR 401.45.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Requesters should also reasonably identify the record, specify the information they are contesting and state the corrective action sought and the reasons for the correction with supporting justification showing their reasons for believing that the record should be amended. These procedures are in accordance with SSA Regulations 20 CFR 401.65.

RECORD SOURCE CATEGORIES:

Data for the PUPS are secured primarily from various facilities with which SSA has appropriate arrangements for reporting of such information including jails, prisons, other penal institutions or correctional facilities, departments or divisions of corrections or correctional services, and certain mental health facilities. Data is also reported by individuals and certain other third party sources, such as news media, etc.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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BILLING CODE 4190-29-P

DEPARTMENT OF STATE

[Public Notice No. 2996]

Shipping Coordinating Committee Subcommittee on Safety of Life at Sea Working Group on Stability and Load Lines and on Fishing Vessels Safety; Notice of Meeting

The Working Group on Stability and Load Lines and on Fishing Vessels Safety of the Subcommittee on Safety of Life at Sea will conduct an open meeting at 1 p.m. on Thursday, April 1, 1999, in Room 6103, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This meeting will discuss the upcoming 43rd Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which is tentatively scheduled for September 11-15, 2000, at the IMO Headquarters in London, England.