

Dated: August 25, 1997.

Reginald F. Wells,

Deputy Commissioner, Administration on Developmental Disabilities.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Privacy Act of 1974; Altered System of Records

AGENCY: Office of Child Support Enforcement, ACF, DHHS.

ACTION: Notice.

SUMMARY: In accordance with the requirements of the Privacy Act, the Office of Child Support Enforcement (OCSE) is publishing a notice of proposal to amend one of its Systems of Records, "The Federal Parent Locator System and Federal Tax Offset System (FPLS), DHHS/OCSE No. 09-90-0074. We are also proposing to amend the routine uses for this system.

DATES: HHS invites interested parties to submit comments on the proposed internal and routine uses within September 29, 1997. HHS has submitted a report of a notice of an altered system to the Congress and to the Office of Management and Budget on August 22, 1997. The alteration to the system will be effective 40 days from the date submitted to OMB unless HHS receives comments which would result in a contrary determination.

ADDRESS: Please submit comments to: Donna Bonar, Director, Division of Program Operations, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW, 4th Floor East, Washington, DC 20447, (202) 401-9271. Comments received will be available for inspection at this same address from 9 a.m. to 3 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Director, Division of Program Operations, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW, 4th Floor East, Washington, DC 20447, (202) 401-9271. The numbers listed above are not toll free.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Office of Child Support Enforcement (OCSE) is amending one of its Systems of Records, "The Federal Parent Locator System and Federal Tax Offset System (FPLS)", DHHS/OCSE No. 09-90-0074.

Information on this system was last published at 61 FR 38754, July 25, 1996.

OCSE wishes to advise the public that OCSE is changing the name of this system to the "Federal Parent Locator and Federal Tax Refund/Administrative Offset System" (FPLS). Furthermore, the uses of the FPLS are being expanded pursuant to Pub. L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and pursuant to Pub. L. 104-134, the Debt Collection Improvement Act of 1996 (DCIA) and Executive Order 13019, dated September 28, 1996.

The system is divided into two subsystems: Parent Locator Service and Tax Refund/Administrative Offset (TROP/ADOP). The Parent Locator portion of the system is being expanded consistent with section 316 of the PRWORA, which authorizes the establishment of a National Directory of New Hires (NDNH) effective no later than October 1, 1997. The NDNH will be comprised of three components. First, the NDNH will maintain employment data on newly-hired employees (new hire reporting) submitted by the State Directories of New Hires (SDNH) pursuant to section 453A(g)(2)(A) of the Social Security Act (the Act) and by Federal agencies pursuant to section 453A(B)(1)(c) of the Act. Second, the NDNH will maintain quarterly wage information on individual employees, submitted by States under the authority of sections 453A(g)(2)(B) and 303(h) of the Act, and section 3304(a)(16) of the Internal Revenue Code (IRC) of 1986, as well as quarterly wage information on Federal employees pursuant to section 453(n) of the Act. Third, the NDNH will maintain unemployment compensation claims data submitted by States under the authority of sections 453A(g)(2)(B) and 303(h) of the Act, and section 3304(a)(16) of the Internal Revenue Code of 1986. Federal agencies and States will transmit new hire and quarterly wage and data electronically to the NDNH and States will transmit claim information electronically as well.

The TROP/ADOP portion of the system is expanding the current use of Federal tax refund intercepts to assist families in collecting past-due child support, intercept certain other Federal payments owed by child support obligors, and divert the payment to obligees/States for the payment of past-due child support. Specifically, the TROP/ADOP will: (1) Combine the Federal Tax Refund Offset program with the Administrative Program operated by Department of Treasury's Financial Management Service (FMS); (2) periodically match cases from the

TROP/ADOP system with the NDNH; (3) conduct crossmatches with the State Department for denial of passports; (4) conduct crossmatches for asset identification with the Department of Treasury (Project 1099) against States' obligor file(s); (5) disclose information to additional sources; and (6) allow access to new authorized users.

The Social Security Act, as amended by PRWORA and the DCIA require an expansion of the uses of the FPLS. The Parent Locator portion of the FPLS will now be used to obtain and transmit information to any authorized person, for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, investigating parental kidnapping cases, or making or enforcing child custody or visitation orders. Additionally, PRWORA replaced the AFDC programs with TANF programs, and routine uses are being updated to reflect that change.

The Federal TROP/ADOP portion of the system will be used for the purposes of: Collecting past-due child support from Federal tax refunds and from certain Federal payments otherwise owed to child support obligors; identifying assets of obligors; and enforcing child support orders by assisting the State Department in preventing delinquent obligors from travelling outside the country by the denial, restriction and/or revocation of passports.

Section 370 of PRWORA established a new section 452(k) of the Act which requires that after October 1, 1997, the Secretary of HHS shall transmit to the Secretary of the Department of State, certifications from State child support enforcement (CSE) agencies of individuals who owe arrearages of child support exceeding \$5000 and that the Department of State may revoke, restrict or deny passports to such individuals.

Project 1099 provides State CSE agencies access to all earned and unearned income information reported to the Department of Treasury by employers and financial institutions. This information is used to locate noncustodial parents and to verify income and employment, which is essential to establishing and enforcing child support obligations.

Sections 452 and 453 of the Social Security Act require the Secretary of HHS to establish and conduct the Federal Parent Locator Service, a computerized national location network which provides address and social security number (SSN) information to State and local child support enforcement agencies (CSEAs) for purposes of locating parents to establish

or enforce a child support order and to assist authorized persons in resolving parental kidnapping and child custody cases.

Pursuant to section 124(a) of the Family Support Act of 1988 (Pub. L. 100-485), the FPLS obtained access to wage and unemployment compensation claims information maintained for or by the Department of Labor (DOL) or the State Employment Security Agencies (SESAs). In January 1990, the FPLS began conducting periodic crossmatches in which the names and SSNs of child support obligors are run against SESA wage and unemployment files. OCSE is currently limited to 250,000 cases per State per bi-weekly crossmatch. The information generated from crossmatches between quarterly wage, claims and child support data, both at the State level and in the more limited FPLS context, has proven extremely beneficial for the location of child support obligors and their wages. The inclusion of quarterly wage and unemployment compensations claims data in the NDNH allows for a substantially higher volume of interstate crossmatching than is currently possible.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires the Secretary to develop an expanded Federal Parent Locator Service to improve the States' ability to locate and collect child support. The OCSE, within ACF, is charged with the task of developing, implementing, and maintaining the FPLS. The Secretary will house the expanded FPLS in the Social Security Administration's National Computer Center. The Secretary and SSA believe that locating the expanded FPLS there will provide the most efficient and cost-effective mechanism for developing the expanded FPLS, as well as ensuring state-of-the-art standards for system security and confidentiality of the expanded FPLS data.

The expanded FPLS will include the NDNH (operational no later than October 1, 1997), The Federal Case Registry (FCR) (operational no later than October 1, 1998), and the capability to continue matching against existing FPLS data sources, including but not limited to, the Internal Revenue Service, Social Security Administration, Department of Defense/Office of Personnel Management, Department of Veterans Affairs, and the Federal Bureau of Investigation. The expanded FPLS will perform crossmatches between the NDNH, the FCR, and specified additional external databases. With these new expanded FPLS resources, the interstate matching of child support

obligors and employment, earnings, and benefits data will flow more efficiently and quickly between States.

In addition to performing automatic matching, the system accepts and processes automated or manual information requests from State and local CSE agencies as well as the FBI, the National Center for Missing and Exploited Children, the State Department, and the Attorney General. The following information is available from Federal agencies (including the Postal Service) and the SESAs:

(1) The Social Security Administration (SSA) provides three types of information on the noncustodial or custodial parent per locate request. SSA can also provide social security number information (including identification, verification, nonverification or correction) pertaining to the noncustodial or custodial parent. When SSA is the specified agency queried, SSA provides the name and address of employers, address where the benefits check is being delivered, and date of death, as well as SSN and address information;

(2) The SESAs provide two types of information. If the noncustodial parent is employed, the SESAs provide the name and address of the most recent employer and the amount of the wages earned in the previous quarter. If the noncustodial or custodial parent is unemployed, the SESAs provide the home address where the unemployment check is or was most recently mailed;

(3) The Department of Treasury (Treasury) provides several types of information. If the noncustodial or custodial parent has filed a tax return in the last three years, provides the address reported on the most recent return. Treasury also provides the SSNs of parents listed on the tax return. Additionally, the Project 1099 provides information to State CSE agencies to access all earned and unearned income information reported to the Treasury by employers and financial institutions. The FPLS conducts matches on with data from IRS forms 1098 and 1099;

(4) The Department of Defense (DoD) provides information on noncustodial or custodial parents who are in the Army, Navy, Air Force, Marine Corps, and the National Oceanic and Atmospheric Administration (NOAA). DoD provides the military unit address, pay grade, and date of separation from the service. FPLS conducts matches with Office of Personnel Management (OPM) through DoD. OPM provides the name and address of the payroll office for non-military and non-postal noncustodial or custodial parents who work for the

Federal government, or receive retirement benefits;

(5) The Postal Service provides information on noncustodial or custodial parents who are employed by the U.S. Postal Service; and

(6) The Department of Veterans Affairs (VA) provides information on those individuals who are receiving VA benefits. The VA indicates if the noncustodial or custodial parent is receiving compensation, pension, or educational benefits, the amount of the benefit, and where the check is being delivered.

Furthermore, pursuant to the DCIA, and pursuant to Executive Order 13019, the Department of Treasury's FMS is charged with the responsibility of increasing the collection of non-tax debts owed to the Federal Government and/or States, and collecting past-due child support through administrative offsets. The OCSE will match its records against Federal payment certification records and Federal financial assistance records maintained by FMS. The purpose is to facilitate the collection of delinquent child support obligations from persons who may be entitled or eligible to receive certain Federal payments or Federal assistance. State CSE agencies submit names of delinquent child support debts to the OCSE for submission to FMS.

These cases are sent on-line, dial-up access via personal computer, tape and cartridge via mail, file transfer, or electronic data transmission. OCSE serves as a conduit between State CSE agencies and the FMS by processing weekly updates of collection data and distributing the information back to the appropriate State CSE agency. The information will be disclosed by OCSE to State CSE agencies for use in the collection of child support debts, through locate, wage withholding, or other enforcement actions.

The system of records is used for the collection of past-due child support via administrative offset, (offset of certain funds payable to an individual by the Federal Government.) (Not all Federal funds will be subject to administrative offset; see 62 FR 36205, dated July 7, 1997.) The FMS serves as the lead agency in this debt collection initiative. The FMS has a Debt Collection Operations System to maintain records of individuals and entities that are indebted and will match these records against the payment certification records of Federal departments and agencies.

In addition, the system of records is used to determine which delinquent obligors are appropriate for referral to the U.S. State Department for

revocation/restriction/denial of a U.S. Passport. OCSE extracts cases with arrearages of \$5,000 or greater from the certified case file. These cases are electronically submitted to SSA with name and SSN. SSA returns the file with date of birth, SSN, name, place of birth, and sex. These cases are then forwarded to the State Department via tape with date of birth, place of birth, sex, SSN, and name. These files are matched against individuals who make application for passport. Passports may be denied to those obligors owing \$5,000 or greater. The State Department's system is called the Consular and Support System (CLASS) (State 26, Passport Records, published at 60 FR 148, August 2, 1995).

If there is a match, the Passport Office will notify the applicant to contact the State CSE agency that submitted his/her name. If, as a result of payment, the applicant's child support arrearage falls below the \$5,000 threshold, the CSE office will issue a Notice of Withdrawal of Passport Denial requesting that the Passport Office issue a passport to the noncustodial parent if otherwise qualified.

The FPLS system of records will be comprised of records that contain the name of noncustodial or custodial parent or child, Social Security number (when available), date of birth, place of birth, sex code, State case identification number, local identification number (State use only), State or locality originating request, date of origination, type of case (TANF, non-TANF full-service, non-TANF locate only, parental kidnapping), home address, mailing address, type of employment, work location, annual salary, pay rate, quarterly wages, medical coverage, benefit amounts, type of military service (Army, Navy, Marines, Air Force, not in service), retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), offset amount, date requests sent to Federal agencies or departments (SSA, Treasury, DoD/OPM, VA, USPS, FBI, and SESAs), dates of Federal agencies' or departments' responses, date of death, record identifier, employee date of hire, employee State of hire, Federal EIN, State EIN, employer name, employer address, employer foreign address, employer optional address, and employer optional foreign address; employee SSN, employee name, employee wage amount, reporting period, claimant SSN, claimant name, claimant address, SSA/VA benefit amount, reporting period, State code, local code, case number, arrearage amount, collection amount, adjustment amount, return indicator, transfer State,

street address, city and State, zip code, zip code 4, total debt, number of adjustments, number of collections, net amount, adjustment year, tax period for offset, type of offset, State code, submitting State FIPS, locate code, case ID number, case type, and court/administrative order indicator.

Safeguarding

All requests from the State IV-D Agency must certify that: (1) They are being made to locate noncustodial or custodial parents for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody determinations and for no other purpose; (2) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the FPLS; and (3) the State IV-D Agency will use or disclose this information for the purposes prescribed in 45 CFR 302.70.

The records in the FPLS will be maintained in a secure manner compatible with their content and use. All Federal and State personnel and contractors will be required to adhere to the provisions of the Privacy Act and the HHS Privacy Act regulations at 45 CFR part 5b. The System Manager will control access to the data. Only authorized users whose official duties require the use of such information will have regular access to the records in this system. Authorized users are: (1) Any State or Federal government department or agency charged with the responsibility of locating custodial or noncustodial parents; (2) State agencies under agreements covered by title IV-D of the Social Security Act for the purposes of locating non-custodial and custodial parents in connection with establishing or enforcing child support obligations; (3) State agencies under agreements covered by section 463 of the Act for the purpose of locating custodial parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody and visitation determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children; and (4) agents and attorneys of the United States involved in activities in States which do not have agreements under section 463 of the Act for the purpose of locating custodial parents in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody and visitation determinations or conducting investigations, enforcement

proceedings or prosecutions concerning unlawful taking or restraint of children.

All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties. Safeguards for automated records have been established in accordance with the HHS Information Resources Management Manual, Part 6, Automated Information Systems Security Program Handbook.

Storage

Records are maintained on disk and magnetic tape, and hard copy.

Retrievability

System records can be accessed by either a State assigned case identification number or Social Security Number. Data stored in computers will be accessed through the use of "passwords" known only to authorized users. Rooms where records are stored are locked when not in use. During regular business hours rooms are unlocked but are controlled by on-site personnel. Information will not be disclosed to any person if the disclosure would contravene the national or security interest of the United States or the confidentiality of census data.

Information will not be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or the child of such parent.

Information received or transmitted pursuant to this section shall be subject to the safeguard provisions contained in section 454(26) of the Act.

Retention and Disposal

Quarterly wage data supplied to the FPLS will be retained for eight calendar quarters and then destroyed. New hire information supplied to the FPLS will be kept in an active file for two years. New hire information will then be stored for an additional three years before being destroyed.

Tax refund and administrative offset information will be maintained for six years in an active master file for purposes of collection and adjustment. After this time, records of cases for which there was no collection will be destroyed. Records of cases with a collection will be stored on-line in an inactive master file.

Records pertaining to passport denial will be updated and/or deleted as obligors meet satisfactory restitution or other State approved arrangements.

Records of information provided by the FPLS to authorized users will be maintained only long enough to communicate the information to the appropriate State or Federal agent.

Thereafter, the information provided will be destroyed. However, records pertaining to the disclosures, which include information provided by States, Federal agencies contacted, and an indication of the type(s) of information returned, will be stored on a history tape and in hard copy for five years and then destroyed.

System Manager(s) and Address

Director, Program Operations
Division, Office of Child Support
Enforcement, Department of Health and
Human Services, 370 L'Enfant
Promenade, SW, 4th Floor, Washington,
DC 20447.

Record Access Procedures

Same as notification procedures.
Requesters should also specify the
record contents being sought.

Contesting Record Procedures

Contact the official at the address
specified under system manager above,
and identify record and specify the
information to be contested.

Record Source Categories

Information is obtained from
departments, agencies, or
instrumentalities of the United States or
any State.

Systems Exempted From Certain Provisions of the Privacy Act

None.

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Users

The current routine uses for this
system of records are: (1) Request the
most recent home and employment
addresses and SSN of the noncustodial
parents from any State or Federal
government department, agency or
instrumentality which might have such
information in its records; (2) Provide
the most recent home and employment
addresses and SSN to State CSE
agencies (including the FBI and the
Center for Missing and Exploited
Children) for the purpose of locating
noncustodial parents in connection with
establishing or enforcing child support
obligations; (3) Provide the most recent
home and employment addresses and
SSN to State CSE agencies under
agreements covered by section 463 of
the Social Security Act (42 U.S.C. 663)
for the purpose of locating noncustodial
parents or children in connection with

activities by State courts and Federal
attorneys and agents charged with
making or enforcing child custody
determinations or conducting
investigations, enforcement proceedings
or prosecutions concerning the unlawful
taking or restraint of children; (4) Provide the most recent home and
employment addresses and SSN to
agents and attorneys of the United
States, involved in activities in States
which do not have agreements under
section 463 of the Act for purposes of
locating noncustodial parents or
children in connection with Federal
investigations, enforcement proceedings
or prosecutions involving the unlawful
taking or restraint of children; and (5)
provide to the State Department the
name and SSN of noncustodial parents
in international child support cases, and
in cases involving the Hague
Convention on the Civil Aspects of
International Child Abduction.

The PRWORA amends Federal law
and authorizes new uses and
disclosures for the expanded FPLS. The
new routine uses proposed for this
system are compatible with the stated
purposes of the system and include the
following:

(1) Pursuant to section 453(j) (2) and
(3) of the Social Security Act, State
agencies may access data in the NDNH
for the purpose of administering the
Child Support Enforcement Program
and the Temporary Assistance for
Needy Families (TANF) program; (2)
Pursuant to section 453(j)(4) of the Act,
the Commissioner of Social Security
may access information in the NDNH for
the purpose of verifying reported SSNs
and other purposes; (3) Pursuant to
section 453(i)(3) of the Act, the
Secretary of the Treasury may access
information in the NDNH for purposes
of administering advance payment of
the earned income tax credit and
verifying a claim with respect to
employment in a tax return; (4)
Pursuant to section 453(j)(5) of the Act,
the Secretary of Health and Human
Services may provide researchers with
access to the new hire data for research
efforts that would contribute to the
TANF and CSE programs. Information
disclosed may not contain personal
identifiers; (5) Under section 6103(el)(6)
of the Internal Revenue Code of 1986,
records may be disclosed to any agent
of an agency that is under contract with
the State CSE agency to assist in
locating individuals for the purposes of
establishing, modifying, and enforcing
child support obligations; (6) Under
section 453(j) of the Act, records in the
NDNH may be disclosed to State CSE
agencies in order to locate individuals
for the purpose of establishing paternity

and for establishment, modification, or
enforcement of a support order; (7)
Pursuant to section 453(a) of the Act,
records may be disclosed to State CSE
agencies for the purpose of locating
individuals for the purpose of enforcing
child custody and visitation orders; (8)
Pursuant to section 453(j) of the Act,
new hire information may also be
disclosed to the State agency
administering the Medicaid,
Unemployment Compensation, Food
Stamp, SSI, and territorial cash
assistance programs for income
eligibility verification, and to State
agencies administering unemployment
and workers' compensation programs to
assist determinations of the allowability
of claims; (9) OCSE will disclose
information to the Treasury Department
for the offset of certain Federal
payments in order to collect past due
child support obligations. The Federal
payments included in the
Administrative Offset System are:
Federal salary, wage and retirement
payments; vendor payments; expense
reimbursement payments; and travel
payments; and (10) Pursuant to section
452(k) of the Act, information from the
FPLS may be disclosed to the Secretary
of State to revoke, restrict, or deny a
passport to any person certified by State
CSE agencies as owing a child support
arrearage greater than \$5,000.

Dated: August 21, 1997.

David Gray Ross,
Deputy Director.

09-90-0074

SYSTEM NAME:

Federal Parent Locator and Federal
Tax Refund/Administrative Offset
System (FPLS), HHS, OCSE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Child Support Enforcement,
370 L'Enfant Promenade, SW., 4th
Floor East, Washington, DC 20447;
Social Security Administration, 6200
Security Boulevard, Baltimore,
Maryland 21235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records will be maintained to locate
individuals for the purpose of
establishing parentage, establishing,
setting the amount of, modifying, or
enforcing child support obligations, or
enforcing child custody or visitation
orders: (1) Information on, or facilitating
the discovery of, or the location of any
individual: (A) who are under an
obligation to pay child support or

provide child custody or visitation rights; (B) against whom such an obligation is sought; and (C) to whom such an obligation is owed including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer; and (2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to enrollment in group health care coverage); and (3) information on certain Federal disbursements payable to a delinquent obligor which may be offset for the purpose of collecting past-due child support.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system will comprise records that contain the name of noncustodial or custodial parent or child, Social Security number (when available), date of birth, place of birth, sex code, State case identification number, local identification number (State use only), State or locality originating request, date of origination, type of case (TANF, non-TANF full-service, non-TANF locate only, parental kidnapping), home address, mailing address, type of employment, work location, annual salary, pay rate, quarterly wages, medical coverage, benefit amounts, type of military service (Army, Navy, Marines, Air Force, not in service), retired military (yes or no), Federal employee (yes or no), recent employer's address, known alias (last name only), offset amount, date requests sent to Federal agencies or departments (SSA, IRS, DoD/OPM, VA, USPS, FBI, and SESAs), dates of Federal agencies' or departments' responses, date of death, record identifier, employee date of hire, employee State of hire, Federal EIN, State EIN, employer name, employer address, employer foreign address, employer optional address, and employer optional foreign address; employee SSN, employee name, employee wage amount, reporting period, claimant SSN, claimant name, claimant address, SSA/VA benefit amount, reporting period, State code, local code, case number, arrearage amount, collection amount, adjustment amount, return indicator, transfer State, street address, city and State, zip code, zip code 4, total debt, number of adjustments, number of collections, net amount, adjustment year, tax period for offset, type of offset, State code, submitting State FIPS, locate code, case ID number, case type, and court/administrative order indicator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 452 and 453 of the Social Security Act required the Secretary of HHS to establish and conduct the Federal Parent Locator Service, a computerized national location network which provides address and SSN information to State and local Child Support Enforcement Agencies (CSE).

Section 124(a) of the Family Support Act of 1988 authorized the Secretary of HHS to obtain access to wage and unemployment compensation claims information maintained for or by the Department of Labor (DOL) or the State Employment Security Agencies (SESAs).

The FPLS is being expanded pursuant to: Social Security Act amendments promulgated as section 316 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); the Debt Collection Improvement Act of 1996 (DCIA); and Executive Order 13019. These provisions give the Secretary of Health and Human Services the authority to expand the Federal Parent Locator Service to improve the States' ability to locate and collect child support.

PURPOSE(S):

The purpose of the system is to expand the Federal Parent Locator Service (FPLS) to improve States' ability to locate parents and collect child support. A large database, the National Directory of New Hires, will be established. Through this database, the interstate matching of child support obligors and employment, earnings, and benefit data will flow more efficiently and quickly between States. The National Directory of New Hires (NDNH) will contain the following:

- (1) New hire information on employees commencing employment in either the public or private sector;
- (2) Quarterly wage data on private and public sector employees; and
- (3) Information on unemployment compensation benefits. Federal agencies are also required to submit both new hire and quarterly wage information. Names and social security numbers submitted for both new hire and quarterly wage information will be verified by the Social Security Administration to ensure that the social security number provided is correct.

In October of 1998, a second database will be established, the Federal Case Register (FCR), which will be derived from State level case registry information and will contain abstracts on all participants involved in child support enforcement cases. The NDNH and the FCR will be matched against each other on an on-going basis to

determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as being a participant in a State child support case, that State will be notified of the participant's current employer.

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

The current routine uses in this system of records are maintained to: (1) Request the most recent home and employment addresses and SSN of the noncustodial or custodial parents from any State or Federal government department, agency or instrumentality which might have such information in its records; (2) Provide the most recent home and employment addresses and SSN to State CSE agencies for the purpose of locating noncustodial parents in connection with establishing or enforcing child support obligations; (3) Provide the most recent home and employment addresses and SSN to State CSE agencies under agreements covered by section 463 of the Social Security Act (42 U.S.C. 663) for the purpose of locating noncustodial parents or children in connection with activities by State courts and Federal attorneys and agents charged with making or enforcing child custody determinations or conducting investigations, enforcement proceedings or prosecutions concerning the unlawful taking or restraint of children; and (4) Provide the most recent home and employment addresses and SSN to agents and attorneys of the United States, involved in activities in States which do not have agreements under section 463 of the Act for purposes of locating noncustodial parents or children in connection with Federal investigations, enforcement proceedings or prosecutions involving the unlawful taking or restraint of children; and (5) provide to the State Department the name and SSN of noncustodial parents in international child support cases, and in cases involving the Hague Convention on the Civil Aspects of International child Abduction.

The PRWORA amends Federal law and authorizes new uses and disclosures for the expanded FPLS. The new routine uses proposed for this system are compatible with the stated purposes of the system and include the following: (1) State agencies may access data in the NDNH for the purpose of administering the Child Support Enforcement Program and the Temporary Assistance for Needy Families (TANF) program; (2) The Commissioner of Social Security may

access information in the NDNH for the purpose of verifying reported SSNs and other purposes; (3) The Secretary of the Treasury may access information in the NDNH for purposes of administering advance payment of the earned income tax credit and verifying a claim with respect to employment in a tax return; (4) The Secretary of Health and Human Services may provide researchers with access to the new hire data for research efforts that would contribute to the TANF and CSE programs. Information disclosed may not contain personal identifiers; (5) Records may be disclosed to any agent of an agency that is under contract with the State CSE agency to assist in locating individuals for the purposes of establishing paternity and for establishing, modifying, and enforcing child support obligations; (6) Records in the NDNH may be disclosed to State CSE agencies in order to locate individuals for the purpose of establishing paternity and for establishment, modification, or enforcement of a support order; (7) Records may be disclosed to State CSE agencies for the purpose of locating individuals for the purpose of enforcing child custody and visitation orders; (8) New hire information may be disclosed to the State agency administering the Medicaid, Unemployment Compensation, Food Stamp, SSI, and territorial cash assistance programs for income eligibility verification, and to State agencies administering unemployment and workers' compensation programs to assist determinations of the allowability of claims. (9) OCSE will disclose information to the Treasury Department for the offset of certain Federal payments in order to collect past due child support obligations. The Federal payments included in the Administrative Offset System are: Federal salary, wage and retirement payments; vendor payments; expense reimbursement payments; and travel payments; and (10) Pursuant to section 452(k) of the Act, information from the FPLS may be disclosed to the Secretary of State to revoke, restrict, or deny a passport to any person certified by State CSE agencies as owing a child support arrearage greater than \$5,000.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

None.

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

STORAGE:

FPLS records are maintained on disc and computer tape, and hard copy.

RETRIEVABILITY:

System records can be accessed by either a State assigned case identification number or Social Security Number.

SAFEGUARDS:

1. *Authorized Users:* All requests from the State IV-D Agency must certify that: (1) They are being made to locate non-custodial and custodial parents for the purpose of establishing paternity or securing child support, or in cases involving parental kidnapping or child custody and visitation determinations and for no other purpose; (2) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (3) the State IV-D Agency will use or disclose this information for the purposes prescribed in 45 CFR 302.70.

2. *Physical Safeguards:* For computerized records electronically transmitted between Central Office and field office locations (including organizations administering HHS programs under contractual agreements), safeguards include a lock/unlock password system. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled "For Official Use Only" and treated accordingly.

3. *Procedural and Technical Safeguards:* All Federal and State personnel and contractors, are required to take a nondisclosure oath. A password is required to access the terminal. All microfilm and paper files are accessible only by authorized personnel who have a need for the information in the performance of their official duties.

These practices are in compliance with the standards of Chapter 45-13 of the HHS General Administration Manual, "Safeguarding Records Contained in Systems of Records," and the Department's Automated Information System Security Program Handbook.

RETENTION AND DISPOSAL:

Quarterly wage data supplied to the FPLS will be retained for eight calendar quarters and then destroyed. New hire information supplied to the FPLS will be kept in an active file for two years. New hire information will then be stored for an additional three years before being destroyed.

Tax refund and administrative offset information will be maintained for six years in an active master file for

purposes of collection and adjustment. After this time, records of cases for which there was no collection will be destroyed. Records of cases with a collection will be stored on-line in an inactive master file.

Records pertaining to passport denial will be updated and/or deleted as obligors meet satisfactory restitution or other State approved arrangements.

Records of information provided by the FPLS to authorized users will be maintained only long enough to communicate the information to the appropriate State or Federal agent. Thereafter, the information provided will be destroyed. However, records pertaining to the disclosures, which include information provided by States, Federal agencies contacted, and an indication of the type(s) of information returned, will be stored on a history tape and in hard copy for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Program Operations, Office of Child Support Enforcement, Administration for Children and Families, 370 L'Enfant Promenade, SW., 4th Floor East, Washington, DC 20447.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager listed above. The requester must provide his or her full name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

RECORD ACCESS PROCEDURES:

Write to the System Manager specified above to attain access to records. Requesters should also reasonably specify the record contents they are seeking.

CONTESTING RECORD PROCEDURE:

Contact the official at the address specified under system manager above, and reasonably identify the record and specify the information to be contested and corrective action sought with supporting justification to show how the record is inaccurate, incomplete, untimely or irrelevant.

RECORD SOURCE CATEGORIES:

Information is obtained from departments, agencies, or instrumentalities of the United States or any State.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. 96N-0496]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (the PRA).

DATES: Submit written comments on the collection of information by September 29, 1997.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attention: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Judith V. Bigelow, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B-19, Rockville, MD 20857, 301-827-1479.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the PRA (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance:

Reporting and Recordkeeping Requirements for Manufacturers and Distributors of Electronic Products—21 CFR Parts 1002-1010, FDA Forms 2877, 3147, and 766 (OMB Control Number 0910-0025—Reinstatement)

Sections 532 through 542 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360ii through 360ss) direct the Secretary of the Department of Health and Human Services (the Secretary) to establish and carry out an electronic product radiation control program to protect the public from unnecessary radiation from electronic products. Such program shall include

the development, issuance, and administration of performance standards to control the emission of electronic product radiation from electronic products. Section 534(g) of the act (21 U.S.C. 360kk(g)) directs the Secretary to review and evaluate industry testing programs on a continuing basis, and section 535(e) and (f) of the act (21 U.S.C. 360ll(e) and (f)) directs the Secretary to immediately notify manufacturers of, and assure correction of, radiation defects or noncompliances with performance standards. The authority for records and reports is contained in section 537(b) and (c) of the act (21 U.S.C. 360nn(b) and (c)).

The regulations implementing these statutory provisions are found in parts 1002 through 1010 (21 CFR parts 1002 through 1010). Section 1002.3 requires manufacturers, when directed by FDA, to provide technical and safety information to users. Section 1002.10(a) through (k) requires manufacturers to submit to FDA product reports containing identification, design, operation and testing, quality control procedures, test results, and product labeling prior to the entry of the product into commerce. Section 1002.11(a) and (b) requires manufacturers to submit supplemental reports to FDA if modifications in product safety or testing of electronic products affect actual or potential radiation emission. Section 1002.12(a) through (e) requires manufacturers to submit abbreviated information on product safety and testing. Section 1002.13(a) through (c) requires manufacturers to report annually to FDA a summary of manufacturer records maintained in accordance with § 1002.30, and provide quarterly updates of models instead of § 1002.10 or § 1002.11 reports. Section 1002.20(a) through (c) requires manufacturers to report to FDA the circumstances, amount of exposure, and remedial actions taken concerning any accidental radiation occurrence involving their electronic products. If a firm is also required to report the incident under 21 CFR part 803, those regulations take precedence. Section 1002.30(a) and (b) requires manufacturers to keep records on test data and procedures, correspondence regarding radiation safety, and distribution records. Section 1002.31(a) requires manufacturers to maintain records required to be kept under part 1002 for 5 years. Section 1002.31(c) requires manufacturers, when requested by FDA, to provide copies of the distribution records required to be maintained by § 1002.30(b). Section

1002.40(a) through (c) requires dealers and distributors to retain first purchaser information, to be used by manufacturers when a product recall is instituted to ensure the radiation safety of a product. Section 1002.41(a) and (b) specifies that the dealer/distributor records in § 1002.40 may be retained by the dealer or forwarded to the manufacturer for retention and that the manufacturer or dealer shall retain distribution records for 5 years. Section 1002.50(a) specifies criteria by which manufacturers may request exemption from reporting and recordkeeping requirements when there is a low risk of injury, and § 1002.51 specifies criteria by which manufacturers may request exemption from reporting and recordkeeping requirements under certain circumstances if the product is intended for U.S. Government use. The burden is combined with § 1002.50(a), because the processes and procedures are identical.

Section 1003.10(a) and (c) requires manufacturers to notify FDA when their product has a defect or fails to comply with applicable performance standards. Also, under § 1003.10(b) manufacturers must notify purchasers, dealers, and distributors of product defects or noncompliance. Section 1003.11(a)(3) specifies criteria by which manufacturers may refute FDA's notice of defective or noncompliant product, and § 1003.11(b) states that manufacturers, when notified by FDA, must provide information on the number of defective products introduced into commerce. Section 1003.20(a) through (h) specifies information to be provided by manufacturers to FDA when the manufacturer discovers a defect or failure to comply. Section 1003.21(a) through (d) specifies the content and format of the notification by manufacturers to affected persons required by § 1003.10(a). Under § 1003.22(a) and (b), manufacturers must provide to FDA copies of the § 1003.10 disclosure sent to purchasers and to dealers or distributors. Section 1003.30(a) and (b) specifies criteria by which manufacturers may request an exemption from the § 1003.10 disclosure and possible product recall and § 1003.31(a) and (b) specifies the content of the § 1003.30 report and the procedure that the agency will follow in reviewing exemption requests. Sections 1004.2(a) through (i), 1004.3(a) through (i), and 1004.4(a) through (h) require manufacturers to report to FDA every plan to remedy a product defect or noncompliance through repair or replacement or refund.