

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Written comments should address the accuracy of the burden estimates and ways to minimize burden including the use of automated collection techniques or the use of other forms of information technology, as well as other relevant aspects of the information collection request.

Catherine C.M. Teti,
Director, Records Management and
Information Policy.
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UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Advisory Commission on Public Diplomacy will hold a symposium on "America's Interests Abroad and Budget Realities", Wednesday, January 31 at 10 a.m.-12 noon at the Grand Hyatt Hotel, 1000 H Street, N.W., (Independence Level).

Participants will be: Chairman Lewis Manilow, Moderator; Mr. Robert Earle, Minister Counselor for Public Affairs, U.S. Embassy Bonn; Mr. David Good, Counselor of Embassy for Public Affairs, U.S. Embassy Tel Aviv; Mr. Robert LaGamma, Counselor of Embassy for Public Affairs, U.S. Embassy Pretoria; Mr. William Maurer, Minister Counselor for Public Affairs, U.S. Embassy Seoul.

The President, Congress, and the American people are asking America's foreign affairs agencies to rethink what they do and how they do it. This symposium brings together senior diplomats from countries important to U.S. interests abroad. Panelists will discuss foreign perceptions of the United States, and look at how information age opportunities and budget realities are changing the way America understands, informs, and influences foreign publics.

FOR FURTHER INFORMATION CONTACT: Please call Betty Hayes, (202) 619-4468, if you are interested in attending the meeting.

Dated: January 25, 1996.
Rose Royal,
Management Analyst, Federal Register
Liaison.
[FR Doc. 96-1779 Filed 1-30-96; 8:45 am]
BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendments to a System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendments to system of records.

SUMMARY: The Department of Veterans Affairs is amending a system of records entitled, "VA Supervised Fiduciary and Beneficiary Records—VA 37VA27" which was completely revised in 47 FR 29132 dated July 6, 1982. The system of records has been altered to update U.S. Code citations, add an additional category of individuals to be covered by the system and five new categories of records; identify two existing paper file groups within the system that may contain record information, and name an automated record system that takes the place of the ADIS (Automated Diary and Index System). Two new routine uses are being added and two existing routine uses are being deleted.

DATES AND ADDRESSES: Interested persons are invited to submit written comments, suggestions or objections regarding the proposed system of records to the Director, Office of Regulations management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before March 1, 1996, will be considered. All written comments received will be available for public inspection in the Office of Regulations Management, Room 1176, 801 I Street, NW., Washington, DC 20001, from 8 a.m. to 4:30 p.m., Monday through Friday (except Federal holidays).

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the Federal Register by VA, the routine use statements included herein are effective March 1, 1996, and all other provisions included herein are effective March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Bishop, Program Analyst, Outreach and Customer Services Staff (274), Veterans Benefits Administration, 810 Vermont, NW., Washington, DC 20420, telephone (202) 273-6740.

SUPPLEMENTARY INFORMATION: The name of the system is to be changed from "VA Supervised Fiduciary and Beneficiary Records—VA" (37VA27) to "VA Supervised Fiduciary/Beneficiary and General Investigative Records—VA" (37VA27). The title change more accurately reflects the type of records maintained in this system.

The new category of individuals will include veterans or other beneficiaries for whom investigations of other than fiduciary program matters are conducted. These investigations are called nonfiduciary program (nonprogram) field examinations or investigations. The change to this system will also incorporate additions to the types of records maintained: (1) Copies of nonfiduciary program investigative reports, (2) photographs of people (incompetent beneficiaries and other persons who are the subject of a VA investigation), places, and things, (3) finger print records, (4) incompetent beneficiary record information in the Fiduciary Beneficiary System (FBS), and (5) Social Security Administration (SSA) information and records pertaining to incompetent beneficiaries who are also in receipt of VA benefits.

Identifying nonfiduciary program investigative reports within the system of records will allow VA to file copies of records of completed nonfiduciary program investigations by a name or some other identifier. These investigations may be conducted for the purpose of developing evidence to enable a VA organizational element to make administrative decisions on benefits eligibility and other issues. Nonprogram field examinations or investigations are also used to develop evidence for further investigation of potential criminal issues. Currently there is no authority to file and maintain copies of nonfiduciary program investigative reports by name or other identifier. Original reports are sent to the VA element that requested the investigation where disclosures of information are covered under other system of records routine uses. VA field station personnel may place copies of these reports in chronological order in files called veterans files and correspondence files making it difficult to retrieve a report in medium to large stations where the number of nonfiduciary program investigations tends to be large. Follow-up requests for information about the reports often are made by name or numerical identifier and do not contain the approximate dates of either the report or the request for the investigation.

Adding to the category of records photographs of people (incompetent

beneficiaries and other persons who are the subject of a VA investigation), places, and things provides a more accurate description of the type of record material that may be found in a principal guardianship folder (PGF), veterans file, or a correspondence file. The accumulation and retention of this type of material will assist VA field examiners in making positive identification of certain incompetent beneficiaries (to include missing persons) and other persons under investigation, provide graphic evidence in support of narrative reports, and verification of claimed purchases by fiduciaries. Acquisition and retention of this type of material will lessen the potential for fraud and reduce the number of manhours needed to accomplish the more complex investigations. Finger print records are sometimes acquired during missing veteran and other types of investigations where a positive identification of a person is required in order to settle a question on benefits eligibility.

The principal guardianship folder (PGF) is the primary repository for information within this records system. Two other files called veterans files and correspondence files are used to hold copies of fiduciary program and nonfiduciary program reports as well as attachments, exhibits, and other material such as copies of the records cited above. Documents placed in these two files are kept on a temporary basis for control and follow-up purposes since the original reports and other documents are returned to the requesting element.

The Fiduciary-Beneficiary System (FBS) is an automated master record, diary and management information system that was developed to replace the Automated Diary and Index System (ADIS). The system provides current, readily available beneficiary/fiduciary information and management support to all 58 regional offices for work controls, statistical work counts and evaluation purposes. The system includes an enhanced diary program to provide improved, more efficient service to incompetent beneficiaries.

Many VA beneficiaries who are incompetent or under a legal disability receive benefits from Social Security Administration (SSA) concurrently with VA benefits. By agreement with SSA, VA will become the lead agency for supervision of cases of incompetent beneficiaries of common interest. Therefore, a sharing of information such as accountings and payment/payee status will take place. The information provided by Social Security Administration may be retained in the

VA system of records in its various formats and disclosed according to VA record system routine uses.

Routine uses have been amended to accommodate disclosures to third parties who might have information on an issue under VA investigation or information about an incompetent beneficiary or other person under investigation. Also included in the amended routine uses will be disclosures to the Social Security Administration regarding incompetency cases of common interest.

VA received two adverse decisions, *Doe versus DiGenova*, 779 F.2d 74 (D.C. Cir. 1985) and *DOE versus Stephens*, 851 F.2d 1457 (D.C. Cir. 1988), involving disclosure of veteran records subject to 38 U.S.C. 5701, and 5 U.S.C. 552a, the Privacy Act of 1974. As a result of these decisions and their potential impact on VA operations, including those of the District Counsel, VA sought guidance from the Office of Legal Counsel in the Department of Justice (DOJ). VA has modified its practice in disclosing Privacy Act records in response to a request from a law enforcement entity conducting an investigation, and has, in most instances, stopped disclosing Privacy Act records pursuant to the receipt of a subpoena for records. Therefore, the routine use providing for disclosure of information in response to subpoenas is being deleted.

Dated: January 17, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

37VA27

SYSTEM NAME:

VA Supervised Fiduciary/Beneficiary and General Investigative Records—VA37VA27.

SYSTEM LOCATION:

Records are maintained at VA regional offices, VA medical and regional office centers, VA regional office and insurance centers, and at the Austin Data Processing Center. These records are generally maintained by the regional office activity having jurisdiction over the geographical area in which the VA beneficiary resides. Addresses of VA field stations and the Data Processing Center are listed in VA Appendix 1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system: (1) A VA beneficiary (i.e., a veteran or a non-veteran adult who receives VA monetary benefits, lacks the mental

capacity to manage his or her own financial affairs regarding disbursement of funds without limitation, and is either rated incompetent by VA or adjudged to be under legal disability by a court of competent jurisdiction; or a child who has not reached majority under State law and receives VA monetary benefits); (2) a VA supervised fiduciary (i.e., a VA Federal fiduciary to include legal custodians, spouse payees, superintendents of Indian reservations and custodians-in-fact appointed by VA to serve as payee of VA monetary benefits for an incompetent VA beneficiary; or a person or legal entity appointed by a State or foreign court to supervise the person and/or estate of a VA beneficiary adjudged to be under a legal disability. The statutory title of a court-appointed fiduciary may vary from State to State); (3) a chief officer of a hospital treatment, domiciliary, institutional or nursing home care facility wherein a veteran, rated incompetent by VA, is receiving care and who has contracted to use the veteran's VA funds in a specific manner; (4) a SDP (supervised direct payment) beneficiary (i.e., an incompetent adult who receives VA monetary benefits, or other individual for whom an investigation of other than a fiduciary or guardianship matter is conducted for the purpose of developing evidence to enable a VA organizational element to make administrative decisions on benefits eligibility and other issues; or, to develop evidence for further investigations of potential criminal issues.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records in the Principal Guardianship Folder (PGF) are the primary records in this system. SSA derived records, as needed, are also contained in this system. These records as well as secondary files called veterans files and correspondence files may contain the following types of information: (1) Field examination reports (i.e., VA Form 27-4716a or 27-3190, Field Examination Request and Report, which contains a VA beneficiary's name, address, social security number, VA file number, an assessment of the VA beneficiary's ability to handle VA and non-BA funds, description of family relationships, economic and social adjustment data, information regarding activities, and name, address, and assessment of the performance of a VA-supervised fiduciary); (2) correspondence from and to a VA beneficiary, a VA-supervised fiduciary, and other interested third parties; (3) medical records (i.e., medical and social work service reports

generated in VA, State, local, and private medical treatment facilities and private physicians' offices indicating the medical history of the VA beneficiary including diagnosis, treatment and nature of physical or mental disability); (4) financial records (e.g., accountings of a fiduciary's management of a VA beneficiary's income and estate, amount of monthly benefits received, amounts claimed for commissions by the VA-supervised fiduciary, certificates of balance on accounts from financial institutions, and withdrawal agreements between VA, financial institutions, and VA-supervised fiduciary); (5) court documents (e.g., petitions, court orders, letters of fiduciaryship, inventories of assets, and depositions); (6) contractual agreements to serve as a VA Federal Fiduciary; (7) photographs of people (incompetent beneficiaries, fiduciaries, and other persons who are the subject of a VA investigation), places, and things; (8) fingerprint records; and (9) Social Security Administration records containing information about the type and amount of SSA benefits paid to beneficiaries who are eligible to receive benefits under both VA and SSA eligibility criteria, records containing information developed by SSA about SSA beneficiaries who are in need of representative payees, accountings to SSA, and records containing information about SSA representative payees. Also contained in this system are copies of nonfiduciary program investigation records. These records are reports of field examinations or investigations performed at the request of any organizational element of VA about any subject under the jurisdiction of VA other than a fiduciary issue. In addition to copies of the reports, records may include copies of exhibits or attachments such as photographs of people places and things; sworn statements; legal documents involving loan guaranty transactions; bankruptcy; and debts owned to VA; accident reports; birth, death, and divorce records; certification of search for vital statistics documents; and beneficiary's financial statements and tax records; immigration information; and newspaper clippings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, Chapter 3, section 501(a), (b); title 38, United States Code, Chapter 55.

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

1. The record of an individual who is covered by this system may be disclosed to a member of Congress or staff person

acting for the member when the member or staff person requests the record on behalf of and at the request of that individual.

2. Any information in this system, except for the name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, at the initiative of VA.

3. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to a Federal agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order issued pursuant thereto, in response to its official request, when that information is for law enforcement investigation purposes, and such request is in writing and otherwise complies with subsection (b)(7) of the Privacy Act.

4. The name and address of a veteran, which is relevant to a suspected violation or reasonably imminent violation of law concerning public health or safety, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, may be disclosed to any foreign, State or local governmental agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such organization, agency or instrumentality has made a written request that such name and address be provided for a purpose authorized by law, and, if the information is sought for law enforcement investigation purposes, and the request otherwise complies with subsection (b)(7) of the Privacy Act.

5. The name and address of a veteran may be disclosed to any nonprofit organization if the release is directly connected with the conduct of programs and the utilization of benefits under title 38 (such disclosures include computerized lists of names and addresses).

6. Any information in this system, including name, address, social security number, VA file number, medical records, financial records and field examination reports of a VA beneficiary, and the name, address and information regarding the activities of a VA-supervised fiduciary or beneficiary may be disclosed at the request of a VA beneficiary or fiduciary to a Federal, State, or local agency in order for VA to obtain information relevant to a VA decision concerning the payment and usage of funds payable by VA on behalf of a beneficiary, or to enable VA to assist a beneficiary or VA-supervised fiduciary in obtaining the maximum amount of benefits for a VA beneficiary from a Federal, State, or local agency.

7. Any information in this system, including name, address, social security number, VA file number, medical records, financial records and field examination reports of a VA beneficiary who is in receipt of VA and Social Security Administration (SSA) benefits concurrently, and the name, address and information regarding the activities of a VA-supervised fiduciary may be disclosed to a representative of the Social Security Administration to the extent necessary for the operation of a VA program, or to the extent needed as indicated by such representative.

8. The name and address of a VA beneficiary, VA rating of incompetency, and the field examination report may be disclosed to a Federal agency, upon its official request, in order for that agency to make decisions on such matters as competency and dependency in connection with eligibility for that agency's benefits. This information may also be disclosed to a State or local agency, upon its official request in order for that agency to make decisions on such matters as competency and dependency in connection with eligibility for that agency's benefits, if the information pertains to a VA beneficiary who is not a veteran, or if the name and address of the veteran is provided beforehand.

9. Any information in this system, including medical records, financial records, field examination reports, correspondence and court documents may be disclosed in the course of presenting evidence to a court, magistrate or administrative tribunal in matters of guardianship, inquests and commitments, and to probation and parole officers in connection with court required duties.

10. Only so much information, including information in VA records obtained from Social Security Administration, and the name and address of a VA beneficiary, fiduciary,

or other person under investigation, as is necessary to obtain a coherent and informed response may be released to a third party who may have information bearing on an issue under VA investigation.

11. Any information in this system may be disclosed to a VA or court-appointed fiduciary in order for that fiduciary to perform his or her duties, provided this information will only be released when the disclosure is for the benefit of the beneficiary. Any information in this system may also be disclosed to a proposed fiduciary in order for the fiduciary to make an informed decision with regard to accepting fiduciary responsibility for a VA beneficiary.

12. Any information in this system, including medical records, correspondence records, financial records, field examination reports and court documents may be disclosed to an attorney employed by the beneficiary, or to a spouse, relative, next friend or to a guardian ad litem representing the interests of the beneficiary, provided the name and address of the beneficiary is given beforehand and the disclosure is for the benefit of the beneficiary, and the release is authorized by 38 U.S.C. 7332, if applicable. Records subject to 38 U.S.C. 7332 contain information on medical treatment for drug abuse, alcoholism, sickle cell anemia, and HIV.

13. Any information in this system may be disclosed to the Department of Justice and to U.S. Attorneys in defense of prosecution of litigation involving the United States and to Federal agencies upon their official request in connection with review of administrative tort claims filed under the Federal Tort Claims Act, 28 U.S.C. 2672, as well as other claims.

14. Any information in this system including available identifying information regarding the debtor, such as the name of the debtor, last known address of the debtor, name of debtor's spouse, social security account number, VA insurance number, VA file number, place of birth and date of birth of debtor, name and address of debtor's employer or firm and dates of employment, may be disclosed to other Federal agencies, State probate courts, State drivers license bureaus, State automobile title and license bureaus and the General Accounting Office in order to obtain current address, locator and credit report assistance in the collection of unpaid financial obligations owed the United States. The purpose is consistent with the Federal Claims Collection Act of 1966 and 38 U.S.C. 5701(b)(6).

15. Any information in this system relating to the adjudication of

incompetency of a VA beneficiary either by the court of competent jurisdiction or by VA may be disclosed to a lender or prospective lender participating in the VA Loan Guaranty Program who is extending credit or proposing to extend credit on behalf of a veteran in order for VA to protect incompetent veterans from entering into unsound financial transactions which might deplete the resources of the veteran and to protect the interest of the Government giving credit assistance to a veteran.

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

STORAGE:

Fiduciary Program beneficiary and fiduciary information contained in the PGF, veterans' files, and correspondence files are maintained on paper documents in case folders and/or in the Fiduciary Beneficiary System (e.g., magnetic tapes, magnetic disks, and computer lists) and are stored at the regional offices (includes record information stored in the Fiduciary Beneficiary System), VA Central Office, and VA Data Processing Center at Austin, Texas. Copies of nonfiduciary program investigations and related information contained in veteran's files and correspondence files are maintained on paper documents and are stored at the regional offices and at VA Central Office.

RETRIEVABILITY:

Paper documents and automated storage media are indexed by name and file number of VA beneficiary or other individual.

SAFEGUARDS:

1. The individual case folder and computer lists are generally kept in steel cabinets when not in use. The cabinets are located in areas which are locked after work hours. Access to these records is restricted to authorized VA personnel on a "need to know" basis. Magnetic tapes and disks, when not in use, are maintained under lock and key in areas accessed by authorized VA personnel on a "need to know" basis.

2. Access to the computer rooms within the regional office is generally limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. ADP peripheral devices are generally placed in secure areas (areas that are locked or have limited access) or are otherwise protected. Information in the Fiduciary Beneficiary System may be accessed by authorized VA employees. Access to file information is controlled at two levels; the system recognizes authorized

employees by a series of individually unique passwords/codes and the employees are limited to only the information in the file which is needed in the performance of their official duties.

3. Access to the VA data processing center is generally restricted to center employees, custodial personnel, Federal Protective Service and other security personnel. Access to the computer rooms is restricted to authorized operational personnel through electronic locking devices. All other persons gaining access to the computer rooms are escorted.

4. Access to records in VA Central Office is only authorized to VA personnel on a "need to know" basis. Records are maintained in manned rooms during working hours. During non-working hours, there is limited access to the building with visitor control by security personnel.

RETENTION AND DISPOSAL:

Paper documents and computer lists are destroyed anywhere from 60 days after receipt to 2 years after VA supervision has ceased, depending on the type of record or document. Correspondence files are destroyed after 1 year, veteran files after 2 years, PGFs 2 years after the case becomes inactive. Investigations data and information obtained from SSA is destroyed according to the time standards established in the two preceding sentences. Information contained in the Fiduciary Beneficiary System is automatically purged two years after the case becomes inactive. A record is determined inactive when it comes under the provision of the Veterans Services Division General Operations Manual, M27-1, part 3, section 1, chapter 8, paragraphs 8.23-8.42.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Veterans Assistance Service (27), VA Central Office, Washington, DC 20420.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the content of such records should submit a written request or apply in person to the nearest VA regional office or center. Addresses for VA regional offices and centers may be found in VA Appendix 1. All inquiries must reasonably identify the type of records involved, e.g., guardianship file. Inquiries should include the individual's full name, VA file number and return address. If a VA file number

is not available, then as much of the following information as possible should be forwarded: full name, branch of service, dates of service, service numbers, social security number, and date of birth.

RECORDS ACCESS PROCEDURES:

Individuals seeking information regarding access to or contesting VA records in this system may write, call or visit the nearest VA regional office or center.

CONTESTING RECORD PROCEDURES:

(See records access procedures above.)

RECORD SOURCE CATEGORIES:

VA beneficiary, VA beneficiary's dependents, VA-supervised fiduciaries, field examiners, estate analysts, third parties, other Federal, State, and local agencies, and VA records.

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