

FEDERAL MARITIME COMMISSION**Privacy Act of 1974 and Personal Responsibility and Work Opportunity Reconciliation Act of 1996**

AGENCY: Federal Maritime Commission.

ACTION: Amendment of system of records to include new routine uses.

SUMMARY: In accordance with the Privacy Act (5 U.S.C. 552a(e)(11)), the Federal Maritime Commission is issuing notice of our intent to amend the system of payroll records (FMC-21) to include new routine uses required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

DATES: Comments must be received on or before December 29, 1997. *Effective Date:* The proposed amendment will become effective January 7, 1998 unless comments dictate otherwise.

ADDRESSES: Comments may be addressed to Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001. All comments received will be available for public inspection at that address.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission (202) 523-5725.

SUPPLEMENTARY INFORMATION:**I. Discussion of Proposed Changes To Routine Use of System of Records**

Pursuant to Pub.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("the Act"), the Federal Maritime Commission ("FMC") will disclose data from its Payroll Records System of Records to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for use in its Federal Parent Locator Service (FPLS) and Federal Tax Offset System, DHHS/OCSE No. 09-90-0074. A description of the Federal Parent Locator Service may be found at 62 FR 51663 (October 2, 1997).

FPLS is a computerized network through which States may request location information from Federal and State agencies to find non-custodial parents and/or their employers for the purpose of establishing paternity and securing support. The Act amended 42 U.S.C. 653(n) to require quarterly wage reporting to the FPLS by federal employers of the name, social security number, and quarterly wages of each employee, effective October 1, 1997. The Act also added a new section, 42 U.S.C. 653a, which requires federal employers to provide information to the

National Directory of New Hires established by 42 U.S.C. 653. Federal employers must report the name, address, and social security number of a new employee to the National Directory of New Hires effective October 1, 1997. Pursuant to the amendments to 42 U.S.C. 653 made by the Act, the enlarged FPLS will include the National Directory of New Hires, a database containing information on employees commencing employment, quarterly wage data on private and public sector employees, and information on unemployment compensation benefits, all effective October 1, 1997.

Also in accordance with the Act, effective October 1, 1998, the FPLS will be expanded to include a Federal Case Registry. The Federal Case Registry will contain abstracts on all participants in child support enforcement cases. When the Federal Case Registry is implemented, its files will be matched on an ongoing basis against the National Directory of New Hires to determine if an employee is a participant in a child support case anywhere in the country. If the FPLS identifies a person as a participant in a State child support case, that State will be notified of the participant's current employer. State requests to the FPLS for location information will also continue to be processed after October 1, 1998.

The data to be disclosed by the Office of Thrift Supervision ("OTS"), U.S. Department of Treasury, on behalf of the FMC to the FPLS include wages earned and income taxes to be paid both state and federal, and the following data elements relating to the employee—employee's name and social security number, date and state of hire, date of birth, address; and the following data elements relating to the Commission: Federal EIN (employer identification number), employer name and address.

The data to be disclosed by OTS on behalf of the FMC to the FPLS will be disclosed by the Office of Child Support Enforcement to the Social Security Administration for verification to ensure that the social security number provided is correct.

The data disclosed by OTS on behalf of the FMC to the FPLS will also be disclosed by the Office of Child Support Enforcement to the Secretary of the Treasury for use in verifying claims for the advance payment of the earned income tax credit or to verify a claim of employment on a tax return.

II. Compatibility of Proposed Routine Uses

The Federal Maritime Commission is amending these routine uses in accordance with the Privacy Act (5

U.S.C. 552a(b)(3)). The Privacy Act permits the disclosure of information about individuals without their consent for a routine use where the information will be used for a purpose which is compatible with the purpose for which the information was originally collected. The Office of Management and Budget had indicated that a "compatible use" is a use which is necessary and proper. See OMB Guidelines, 51 FR 18982, 18985 (1986). Since the proposed uses of the data are required by Pub. L. 104-193, they are clearly necessary and proper uses, and, therefore, "compatible" uses under the Privacy Act requirements.

III. Effect of Proposed Changes on Individuals

The FMC will disclose information under the proposed routine uses only as required by Pub. L. 104-193 and as permitted by the Privacy Act. Disclosure will be handled through the agency's personnel/payroll system provider, the Office of Thrift Supervision.

Accordingly, FMC-21, Payroll Records, most recently amended in the **Federal Register** on February 2, 1994 (59 FR 6643), is further amended to revise the routine uses description to read as follows.

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

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program state, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use":

1. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

2. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

3. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator Service (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action.

4. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying social security numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

5. To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

6. To an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

7. To officers and employees of a Federal agency for purposes of audit.

8. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.

9. To officers and employees of the Office of Thrift Supervision in connection with administrative services provided to this agency under agreement with OTS.

10. To GAO for audit; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the

employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished to the city in response to written request from an appropriate city official to the Secretary at the above address.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

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Dated: November 24, 1997.

By the Commission.

Joseph C. Polking,

Secretary.

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FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service (FMCS).

ACTION: Notice.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) announces an opportunity for public comment on the proposed extension of its collection of information by Form F-53, Federal Sector Labor Relations: Notice to Federal Mediation and Conciliation Service, OMB No. 3076-0005. Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 et seq., agencies are required to publish notice in the

Federal Register regarding each proposed collection of information, including a proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits public comment on the extension for three (3) years of a existing collection of information relating to federal sector labor-management relations. No revisions or modifications of Form F-53 are contemplated. Form F-53 is scheduled to expire on November 30, 1997; however, OMB has granted the agency a short-term extension until February 19, 1998.

DATES: Comments should be submitted on or before January 27, 1998.

ADDRESSES: Written comments may be submitted by mail to: Office of the General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C., ATTN: Tammi Strozier. Comments may also be submitted by fax to (202) 606-5345, ATTN: Tammi Strozier. All written or faxed comments should bear the notation: Comments on Form F-53. A record has been established for this action. All submitted comments will be available for public inspection in Room 600, 2100 K Street, N.W., Washington, D.C. 20427, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except on federal holidays.

FOR FURTHER INFORMATION CONTACT:

General Counsel Elizabeth G. Watson, ATTN: Diane R. Liff, Special Counsel, Federal Mediation and Conciliation Service, (202) 606-3747; fax: (202) 606-5345; e-mail: drliff@fmcs.gov.

SUPPLEMENTARY INFORMATION: Copies of Form F-53 are available from the Office of General Counsel, Federal Mediation and Conciliation Service, 2100 K Street, N.W., Washington, D.C., 20427.

Pursuant to 5 U.S.C. 7119(a) and related implementing regulations, 29 CFR Part 1425, the Federal Mediation and Conciliation Service (FMCS) provides services and assistance to federal agencies and to the labor unions that represent agencies' employees in matters involving contract expiration or reopener negotiations, as well as mid-term or impact and implementation bargaining disputes. In addition, FMCS provides grievance mediation services to agencies and employee unions that jointly request it. Form F-53, Federal Sector Labor Relations: Notice to Federal Mediation and Conciliation Service, OMB No. 3076-0005, is a voluntary, one-page, collection of information submitted by federal agencies and labor unions to notify FMCS that such assistance is requested. Form F-53 permits FMCS to gather the