



Privacy Act of 1974; System of Records

AGENCY: Department of State.

ACTION: Notice of a new matching program.

SUMMARY: In accordance with the Privacy Act of 1974, as amended by the Computer Matching and Privacy Protection Act of 1988 and the Computer Matching and Privacy Protection Amendments of 1990 (Privacy Act), and Office of Management and Budget (OMB) guidance on the conduct of computer matching, the Department of State (“Department”) proposes to establish a matching program with the U.S. Department of the Treasury, Bureau of the Fiscal Service (“Treasury”). The matching program allows Treasury to provide services relating to the identification, prevention, and/or recovery of improper payments pursuant to the Do Not Pay (DNP) program operating under 31 U.S.C. 3354.

DATES: Please submit any comments by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. This matching program will become effective 30 days after publication of this notice, unless comments have been received from interested members of the public requiring modification and republication of this notice. This matching program will remain in effect through September 10, 2029.

ADDRESSES: Comments must be submitted via the Federal eRulemaking Portal at *regulations.gov*. However, if you require accommodation or cannot otherwise

submit your comments via *regulations.gov*, please contact the person listed under

FOR FURTHER INFORMATION CONTACT.

Federal eRulemaking Portal: Go to www.regulations.gov to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the “FAQ” tab.

Privacy Note: The Department’s policy is to make all comments received from members of the public available for viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov. Therefore, commenters should be careful to include only information that they wish to make publicly available in their comments.

FOR FURTHER INFORMATION CONTACT: Timothy J. Kootz, Senior Agency Official for Privacy; U.S. Department of State; Shared Knowledge Services, A/SKS; Room 4534, 2201 C St., N.W.; Washington, DC 20520 or SORN@state.gov. If email, please address the email to the Senior Agency Official for Privacy, Timothy J. Kootz, at SORN@state.gov. Please write "Matching Program, State-30" on the envelope or the subject line of your email.

SUPPLEMENTARY INFORMATION: The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100- 503) amended the Privacy Act of 1974 (5 U.S.C. 552a) by establishing procedural safeguards related to agencies' use of records when performing certain types of computerized matching. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101- 508) further

amended the Privacy Act regarding protections for individuals when agencies perform these functions.

Additionally, the Payment Integrity Information Act of 2019 (31 U.S.C. 3351 et seq.) provides the head of the agency operating the DNP Working System with the authority, in consultation with OMB, to waive the requirements in 5 U.S.C.

552a(o) in any case or class of cases for matching activities conducted under the DNP Initiative (31 U.S.C. 3354). Pursuant to this authority, the Secretary of the Treasury, after consulting with the OMB Director, authorized the issuance of a four-year waiver of the requirement for entering into a matching agreement under 5 U.S.C. 552a(o) for the class of matching programs that meet all of the eligibility criteria defined in OMB Memorandum M-25-32, *Preventing Improper Payments and Protecting Privacy through Do Not Pay*, Appendix II.

This matching program will remain in effect through September 10, 2029.

PARTICIPATING AGENCIES: The U.S. Department of State and the U.S. Department of the Treasury, Bureau of Fiscal Service.

AUTHORITY FOR CONDUCTING THE MATCHING PROGRAM: The Payment Integrity Information Act of 2019 (31 U.S.C. 3351 et seq.) establishes the DNP Initiative and requires, for the purposes of identifying and preventing improper payments, each executive agency to have access to, and use of, the relevant databases in DNP to verify payment or award eligibility. Additional applicable authorities for this matching program include Executive Order 13520, Reducing Improper Payments (74 FR 62201); Executive Order 14249, Protecting

America's Bank Account Against Fraud, Waste, and Abuse (90 FR 14011); and OMB Memorandum M-25-32, Preventing Improper Payments and Protecting Privacy Through Do Not Pay. The records used in this matching program are maintained pursuant to 22 U.S.C. 2651a (Organization of the Department of State); 22 U.S.C. 3921 (Management of service); 5 U.S.C. 301 (Management of the Department of State); 22 U.S.C. 4042 (Maintenance of the Foreign Service Retirement and Disability Fund); 42 U.S.C. 653 (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996); 5 U.S.C. 5501–5584 (Pay Administration); and 31 U.S.C. 901–903 (Agency Chief Financial Officers).

PURPOSE(S): The purposes of this matching program are to identify and prevent improper payments and conduct related recovery activities by verifying, prior to payment certification, eligibility for monthly annuity and beneficiary payments to former Foreign Service personnel. Data elements that are necessary for eligibility determinations for this program will be compared with records in the DNP working system. When there is a match between a record provided by the Department and a record in the DNP Working System, the Treasury will provide the Department with notice of a potentially matching record and will identify the database(s) that contain the potentially matching record(s). The Department will then review the information to determine whether additional action is needed.

CATEGORIES OF INDIVIDUALS: Current and former Department of State Foreign Service employees, and their beneficiaries, who receive a monthly annuity or beneficiary payment.

CATEGORIES OF RECORDS: The Department will disclose to Treasury the following data elements: payee full legal name and Taxpayer Identification Number. Treasury, through the Do Not Pay (DNP) Working System, will compare the Department's disclosed data elements against the following categories of records and data sources:

- **Deceased Status verification records**, including the American InfoSource (AIS) Obituary & Probate (Commercial) database, the Social Security Administration Death Master File – Full (DMF-Full), and Department of State Death Data, each containing the data elements TIN and Awardee/Payee Name; and
- **Federal Debt Status verification records**, including the Treasury Offset Program (TOP) Debt Check, containing the data elements TIN and Awardee/Payee Name.

When a comparison of these records results in a potential match, Treasury will notify the Department and identify the database(s) containing the potentially matching record(s). The Department will then independently review and verify the match, consistent with 5 U.S.C. § 552a(p)(1)(A), before taking any action affecting a payee's annuity or beneficiary payment, including providing notice and an opportunity to contest any adverse finding consistent with 5 U.S.C. § 552a(p)(1)(B).

SYSTEM(S) OF RECORDS: Treasury will use the system of records entitled, “Department of Treasury, Bureau of the Fiscal Service .017-Do Not Pay Payment

Verification Records,” last published in full in the Federal Register on February 27, 2020 (85 FR11776).

The Department will disclose data from the system of records entitled, State-30, Personnel Payroll Records, last published in full in the Federal Register on October 2, 1975 (40 FR 4758, as amended by 63 FR 7039 and 91 FR 9684).

Timothy J. Kootz,

Deputy Assistant Secretary,

Shared Knowledge Services (A/SKS),

U.S. Department of State,

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