

(i) *Routine Use—Disclosure to the Department of Justice for Litigation.* A record from a system of records maintained by this component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the Department of Defense, or any officer, employee or member of the Department in pending or potential litigation to which the record is pertinent.

(j) *Routine Use—Disclosure to Military Banking Facilities Overseas.* Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

(k) *Routine Use—Disclosure of Information to the General Services Administration (GSA).* A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration (GSA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(l) *Routine Use—Disclosure of Information to the National Archives and Records Administration (NARA).* A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration (NARA) for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

(m) *Routine Use—Disclosure to the Merit Systems Protection Board.* A record from a system of records maintained by this component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of OPM or component rules and regulations, investigation of alleged or possible prohibited personnel practices; including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

(n) *Routine Use—Counterintelligence Purpose.* A record from a system of records maintained by this component may be disclosed as a routine use outside the DoD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

Dated: June 22, 2000.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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## DEPARTMENT OF EDUCATION

### 34 CFR Part 694

#### Gaining Early Awareness and Readiness for Undergraduate Programs

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final regulations; interpretation.

**SUMMARY:** The Secretary interprets and clarifies sections of the Department of Education's final regulations governing the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program that were published in the **Federal Register** on April 27, 2000 (65 FR 24756). The Secretary takes this action in response to questions that have arisen about scholarships for GEAR UP students.

**DATES:** This interpretation is effective June 28, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Rafael Ramirez, Office of Postsecondary Education, U.S. Department of Education, 1990 K Street, NW, Room 6252, Washington, DC 20006. Telephone: (202) 502-7676. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotope, or computer diskette) on request to the contact person listed.

**SUPPLEMENTARY INFORMATION:** In the GEAR UP regulations, in § 694.10, we require State and partnership grantees to monitor the treatment of GEAR UP scholarships in relation to other aid GEAR UP students may receive. Some colleges and universities have raised questions about the applicability of the regulations to them.

The GEAR UP regulations govern the use of GEAR UP funds by GEAR UP grantees. Accordingly, the GEAR UP regulations do not apply to institutions that are not GEAR UP grantees or do not enroll any GEAR UP students. Moreover, under the regulations, no institution is required to enroll a GEAR UP student, and if it does so, that institution may decline to order the student's aid in the manner required by the regulations. In the latter case, however, it would be the grantee's

responsibility to inform the GEAR UP student that he or she could not receive the GEAR UP scholarship to attend that institution. In this case, the student would be free to attend that college without the GEAR UP scholarship or another college that orders the aid in a manner consistent with the regulations with the GEAR UP scholarship.

#### Waiver of Public Comment

In accordance with the Administrative Procedure Act, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed rules. However, since this document only clarifies and interprets an existing regulation, additional public comment on this document is not required under 5 U.S.C. 553(b)(A).

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(Catalog of Federal Domestic Assistance Number: 84.334 Gaining Early Awareness and Readiness for Undergraduate Program)

Dated: June 21, 2000.

**A. Lee Fritschler,**

*Assistant Secretary, Office of Postsecondary Education.*

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