

including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2005-90 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-9303.

All submissions should refer to File Number SR-Phlx-2005-90. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the principal offices of the Phlx. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2005-90 and should be submitted on or before February 22, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Nancy M. Morris,**

*Secretary.*

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**SOCIAL SECURITY ADMINISTRATION**

**Privacy Act of 1974 as Amended; Computer Matching Program (SSA/Internal Revenue Service (IRS)—Match Number 1016)**

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of the renewal of an existing computer matching program, which is scheduled to expire on December 31, 2005.

**SUMMARY:** In accordance with the provisions of the Privacy Act, as amended, this notice announces the renewal of an existing computer matching program that SSA is currently conducting with the IRS.

**DATES:** IRS will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The renewal of the matching program will be effective as indicated below.

**ADDRESSES:** Interested parties may comment on this notice by either telefax to (410) 965-8582 or writing to the Associate Commissioner, Office of Income Security Programs, 252 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** The Associate Commissioner for Income Security Programs as shown above.

**SUPPLEMENTARY INFORMATION:**

**A. General**

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency, or agencies, participating in the matching programs;

(2) Obtain the Data Integrity Boards' approval of the match agreements;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

**B. SSA Computer Matches Subject to the Privacy Act**

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: December 7, 2005.

**Martin H. Gerry,**

*Deputy Commissioner for Disability and Income Security Programs.*

**Notice of Computer Matching Program, Social Security Administration (SSA) With Internal Revenue Service (IRS)**

*A. Participating Agencies*

SSA and IRS.

*B. Purpose of the Matching Program*

The purpose of this matching program is to establish conditions under which IRS agrees to disclose to SSA certain return information for use in verifying eligibility for, and/or the correct amount of, benefits provided under title XVI of the Social Security Act, to qualified aged, blind and disabled individuals, and federally administered supplementary payments of the type described in section 1616(a) of such Act (including payments pursuant to an agreement entered into under section 212(a) of Pub. L. 93-66, 87 Stat. 152).

*C. Authority for Conducting the Matching Program*

Section 6103(1)(7) of the Internal Revenue Code (26 U.S.C. 6103(1)(7)) authorizes the IRS to disclose return information with respect to unearned income to Federal, State, and local agencies administering certain benefit programs under the Social Security Act.

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) requires verification of Supplemental Security Income (SSI) eligibility and benefit amounts with independent or collateral sources.

<sup>14</sup> 17 CFR 200.30-3(a)(12).

*D. Categories of Records and Individuals Covered by the Matching Program*

SSA will provide the IRS with identifying information with respect to applicants for, and recipients of, benefits available under programs specified in this Agreement from the Supplemental Security Income Record and Special Veterans Benefit (SSR) system, SSA/ODSSIS 60-0103, as published at 66 FR 11079 (February 21, 2001). IRS will extract return information with respect to unearned income from the Wage and Information Returns Processing (IRP) File, Treas/IRS 22.061, hereafter referred to as the Information Return Master File (IRMF), as published at 66 FR 63797 (December 10, 2001), through the Disclosure of Information to Federal, State and Local Agencies (DIFSLA) program.

**E. Inclusive Dates of the Matching Program**

The matching program will become effective no sooner than 40 days after notice of the matching program is sent to Congress and OMB, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

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**SOCIAL SECURITY ADMINISTRATION**

**Privacy Act of 1974, as Amended; Altered System of Records**

**AGENCY:** Social Security Administration (SSA)

**ACTION:** Altered system of records.

**SUMMARY:** In accordance with the Privacy Act (5 U.S.C. 552a(e)(4)), we are issuing public notice of our intent to alter an existing system of records, the Master Representative Payee File, 60-0222. The proposed alterations will result in an expansion of the existing categories of records maintained in the Master Representative Payee File to include:

- (1) Information about representative payee applicants who have been convicted of an offense resulting in more than one (1) year imprisonment;
- (2) Information about representative payee applicants or payees who have an outstanding felony warrant; and
- (3) Information about specific types of organizations which, having met certain requirements, may apply and be

permitted to charge a fee for their payee services.

All of the proposed alterations are discussed in the **SUPPLEMENTARY INFORMATION** section below. We invite public comment on this proposal.

**DATES:** We filed a report of the proposed altered system of records with the Chairman of the Senate Committee on Homeland Security and Governmental Affairs, the Chairman of the House Committee on Government Reform, and the Director, Office of Information and Regulatory Affairs, Office of Management and Budget on January 23, 2006. The proposed altered system of records will become effective on March 6, 2006, unless we receive comments warranting it not to become effective.

**ADDRESSES:** Interested individuals may comment on this publication by writing to the Executive Director, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, Room 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401. All comments received will be available for public inspection at the above address.

**FOR FURTHER INFORMATION CONTACT:** Margo Wagner, Social Insurance Specialist, Disclosure Policy Team, Office of Public Disclosure, Office of the General Counsel, Social Security Administration, in Room 3-A-6 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235-6401, telephone at (410) 965-1482, e-mail: [margo.wagner@ssa.gov](mailto:margo.wagner@ssa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background and Purpose of the Proposed Alterations to the Master Representative Payee File System of Records**

*A. General Background*

The Master Representative Payee File system of records maintains information that Social Security field offices use when screening applicants to determine suitability as representative payees for Social Security claimants and beneficiaries who are incapable of handling their Social Security benefits and those who are required by law to have payees. The Master Representative Payee File system of records currently maintains records about all payees and payee applicants, including persons whose certifications as representative payees have been revoked or terminated on or after January 1, 1991; persons who have been convicted of a violation of section 208 or 1632 of the Social Security Act (the Act); persons convicted under other statutes in

connection with services as a representative payee; and others whose certification as a representative payee SSA has revoked due to misuse of funds paid under Title II or Title XVI of the Act. The system also houses information on persons who are acting or have acted as representative payees; representative payee applicants who were not selected to serve as representative payees; and beneficiaries/applicants who are being served by representative payees.

*B. Discussion of Proposed Alterations to the Master Representative Payee File System of Records*

The Social Security Protection Act of 2004 (Pub. L. 108-203) amended section 205(j) of the Act. The amendment, which came into effect April 1, 2005, mandates that SSA not appoint payees, or permit the continued payee service of those payees, with certain types of criminal behaviors. To effectuate this provision which affords better protection to Social Security beneficiaries in need of a representative payee, SSA proposes an expansion of the collection of data in the application process to include:

1. Information about applicants wanting to serve as representative payees who have been imprisoned for more than one (1) year, and
2. Information about payees or payee applicants who have an outstanding fugitive felon warrant.

In addition to the above, under provisions in section 205(j) in existence prior to the implementation of Pub. L. 108-203, SSA will collect information about specific types of organizations which, having met certain requirements, may apply and be permitted to charge a fee for their payee services.

**II. Record Storage Medium and Safeguards for the Information Maintained in the Proposed Altered Master Representative Payee File System of Records**

The Master Representative Payee File system of records maintains information in electronic and manual forms. Only authorized SSA personnel that have a need for the information in the performance of their official duties are permitted access to the information. Security measures include the use of access codes to enter the computer system that will maintain the data and storage of the computerized records in secured areas that are accessible only to employees who require the information in performing their official duties. Manually maintained records are kept in locked cabinets or in otherwise secure areas.