

Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Advisory Council Disclosure.*

Information may be released to members of the National Advisory Council on Indian Education.

(2) *Field Readers Disclosure.* Field Readers for the purpose of determining eligibility and recommending awardees; selected data for developing brochures describing the Fellows and their career goals for public information purposes.

(3) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(4) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c) or (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department of Education, any component of the Department; or

(ii) Any Department employee in his or her official capacity; or

(iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee; or

(iv) Any Department employee in his or her official capacity where the agency has agreed to represent the employee; or

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

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

**STORAGE:**

The records are maintained in hard copy, filed in locked standard file cabinets.

**RETRIEVABILITY:**

Records are accessed by individual names only by authorized Department staff and Field Readers for the purposes of determining eligibility; selecting Fellows; Establishing allowances for stipends, dependents, tuition, and other expenses; determining continued eligibility; and developing profile information regarding recipients of fellowships for program evaluation,

planning, reporting and publicity purposes.

**RETENTION AND DISPOSAL:**

Records on fellowship holders are maintained and disposed of in accordance with the Department of Education Records Disposition Schedules (ED/RDS).

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Indian Education, Office of Elementary and Secondary Education, ATTN: Education Program Specialist for Fellowships, U.S. Department of Education, 400 Maryland Avenue SW., Room 4300, Washington, DC 20202-6335.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in this system of records, provide the system manager with your name, the year of the award, the name of the grantee institution, and type of award. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

To gain access to records regarding you in this system of records, follow the Notification Procedure described above. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest the content of a record regarding you in this system of records, contact the system manager at the address listed above and reasonably identify the record and specify the information to be contested. Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the individual applicant and from references submitted by the applicant on approved forms.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

18-15-01

**SYSTEM NAME:**

Bilingual Education Graduate Fellowship Program.

**SECURITY CLASSIFICATION:**

None.

**SYSTEM LOCATION:**

U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs, 330 C Street, SW.,

Room 5618, Washington, DC 20202-6642.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records about individuals who apply for acceptance in the program, and if approved, who participate in the fellowship program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a variety of records relating to a student's application for, and participation in, the fellowship program. In addition to the student's name, the system contains the student's address, telephone number, social security number, name of the institution attended, amount of award, obligation status, degree sought, field of study, and the name and address of the employer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VII, Part A of the Bilingual Education Act of 1994, as amended (Pub. L. 103-382) (20 U.S.C. 7475 (1994)). The program regulations are found in 34 CFR part 535.

**PURPOSE(S):**

The information contained in this system is used for the purposes of administering the Bilingual Education Graduate Fellowship Program, including enforcing the terms and conditions of the contracts signed by the fellows, permitting the collections on loans, and locating delinquent or defaulted debtors.

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

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual, if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Act, under a computer matching agreement.

(1) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulation if that information is relevant to any enforcement, regulatory, investigative, or prosecutive responsibility within the receiving entity's jurisdiction.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, executive order, rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the parties listed below is involved in litigation or ADR, or has an interest in litigation ADR, ED may disclose certain records to the parties described in paragraphs (b), (c) and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department of Education, or any component of the Department; or
- (ii) Any Department employee in his or her official capacity; or
- (iii) Any Department employee in his or her individual capacity if the Department of Justice (DOJ) has agreed to provide or arrange for representation for the employee;
- (iv) Any Department employee in his or her individual capacity where the agency has agreed to represent the employee; or
- (v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to the DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the DOJ.

(c) *Administrative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear, an individual or entity designated by the Department or otherwise empowered to resolve or mediate disputes is relevant and necessary to the administrative litigation, the Department may disclose those records as a routine use to the adjudicative body, individual, or entity.

(d) *Parties, counsels, representatives and witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative or witness in an administrative proceeding is relevant and necessary to the litigation, the Department may disclose those records

as a routine use to the party, counsel, representative or witness.

(4) *Freedom of Information Act (FOIA) Advice Disclosure.* The Department may disclose records to the Department of Justice and the Office of Management and Budget if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA.

(5) *Disclosure to the Department of Justice (DOJ).* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(6) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. Before entering into such a contract, the Department shall require the contractor to maintain Privacy Act safeguards as required under 5 U.S.C. 552a(m) with respect to the records in the system.

(7) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to maintain Privacy Act safeguards with respect to the disclosed records.

(8) *Congressional Member Disclosure.* The Department may disclose records to a member of Congress from the record of an individual in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested it.

(9) *Disclosure to the Office of Management and Budget (OMB) for Credit Reform Act (CRA) Support.* The Department may disclose records to OMB as necessary to fulfill CRA requirements.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

*Disclosures pursuant to 5 U.S.C. 552a(b)(12):* The Department may disclose to a consumer reporting agency information regarding a claim by the

Department which is determined to be valid and overdue as follows: (1) The name, address, taxpayer identification number and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

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

##### STORAGE

The records are maintained in hard copy and on an access-controlled personal computer.

##### RETRIEVABILITY:

The file is indexed by Social Security number or name. Data for awards made under the Bilingual Education Graduate Fellowship Program are retrieved by social security number or name.

##### SAFEGUARDS:

All physical access to the Department's site where this system of records is maintained is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All users of this system of records are given a unique user ID with personal identifiers. All interactions by individual users with the system are recorded.

##### RETENTION AND DISPOSAL:

Records of individual awards are destroyed five years after cancellation, forgiveness, final payment to grantee, or audit, of the loan, whichever is sooner. Records relating to those individuals who are not approved to participate in the fellowship program are transferred to the Federal Records Center and destroyed three years after the date of rejection or withdrawal.

##### SYSTEM MANAGER AND ADDRESS:

Education Program Specialist,  
Bilingual Education Graduate  
Fellowship Program, Office of Bilingual

Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5618, Switzer Building, Washington, DC 20202-6642.

**NOTIFICATION PROCEDURE:**

If you wish to determine whether a record exists regarding you in this system of records, provide the system manager with your name, date of birth, social security number, and the name of the school through which the award was obtained. You may present your request in person at the system manager's address indicated above. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**RECORD ACCESS PROCEDURES:**

If you wish to gain access to a record regarding you in this system of records,

you should contact the system manager and provide the information as described in the Notification Procedure. In order to avoid excessive delays and exchanges of correspondence, you are encouraged to request both notification and access at the same time. Requests for access to a record should reasonably specify the particular record content being sought. Your request must meet the requirements of the regulations at 34 CFR 5b.5, including proof of identity.

**CONTESTING RECORD PROCEDURES:**

If you wish to contest information contained in a record in this system of records, you should contact the system manager. Requests for amendment of records may be made either in writing or in person, and should specify: (1) The system of records from which the record is to be retrieved; (2) the particular

record requested for amendment; (3) whether a deletion, an addition, or a substitution is being sought; and (4) the reason(s) for the requested change(s). You should include in your requests any appropriate documentation supporting the requested change(s). Your request must meet the requirements of the regulations at 34 CFR 5b.7.

**RECORD SOURCE CATEGORIES:**

Information is obtained from fellowship recipients, institutions of higher education, and employers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 99-12656 Filed 6-3-99; 8:45 am]

**BILLING CODE 4000-01-P**