

§ 11.2 Federal Register.

(a) Daily issues are provided to subscribers by mail for \$555 per year in paper form. A combined subscription consisting of the daily issues, the monthly Federal Register Index, and the monthly LSA (List of CFR Sections Affected) is provided to subscribers by mail for \$607 per year in paper form or \$220 per year in microfiche form. Six month subscriptions to the paper and microfiche editions are also available at one-half the annual rate. Limited quantities of current or recent issues may be obtained for \$8 per copy in paper form or \$1 per copy in microfiche form.

(b) The online edition of the Federal Register, issued under the authority of the Administrative Committee, is available on GPO Access, a service of the Government Printing Office (44 U.S.C. 4101).

4. Revise § 11.3 to read as follows:

§ 11.3 Code of Federal Regulations (CFR)

A complete set is provided to subscribers by mail for \$951 per year for the bound, paper edition or \$247 per year for the microfiche edition. Individual volumes of the bound, paper edition of the Code are sold at prices determined by the Superintendent of Documents under the general direction of the Administrative Committee. The price of an individual volume in microfiche form is \$1 per copy.

5. In § 11.4, add a second sentence to read as follows:

§ 11.4 The United States Government Manual.

* * * * *

The online edition of the Manual, issued under the authority of the Administrative Committee, is available on GPO Access, a service of the Government Printing Office (44 U.S.C. 4101).

6. Revise § 11.6 to read as follows:

§ 11.6 Weekly Compilation of Presidential Documents.

Copies in paper form are provided to subscribers for \$80 per year by non-priority mail or \$137 per year by first-class mail. The price of an individual copy in paper form is \$3.

7. Revise § 11.7 to read as follows:

§ 11.7 Federal Register Index.

The annual subscription price for the monthly Federal Register Index, purchased separately, in paper form, is \$25.

8. Revise § 11.8 to read as follows:

§ 11.8 LSA (List of CFR Sections Affected).

The annual subscription price for the monthly LSA (List of CFR Sections

Affected), purchased separately, in paper form, is \$27.

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

1. The authority citation for part 18 continues to read as follows:

Authority: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709, 3 CFR, 1954–1958 Comp., p. 189.

2. in § 18.4, add paragraph (c) to read as follows:

§ 18.4 Form of document.

* * * * *

(c) Original documents submitted by telecommunication and authenticated by digital signatures consistent with applicable Federal standards and Office of the Federal Register technical specifications may be accepted for publication.³

3. In § 18.7, add a third sentence to read as follows:

§ 18.7 Signature.

* * * * *

Documents submitted under § 18.4(c) may be authenticated as original documents by digital signatures.

John W. Carlin,

Chairman.

Michael F. DiMario,

Member.

Rosemary Hart,

Member.

Janet Reno,

Attorney General.

John W. Carlin,

Archivist of the United States.

[FR Doc. 96–32865 Filed 12–26–96; 8:45 am]

BILLING CODE 1505–02–M

OFFICE OF PERSONNEL MANAGEMENT**5 CFR Part 410**

RIN 3206–AF99

Training

AGENCY: Office of Personnel Management.

ACTION: Correction to final rule.

SUMMARY: The Office of Personnel Management referenced an incorrect reference in § 410.306(c). This document corrects this error.

EFFECTIVE DATE: December 17, 1996.

FOR FURTHER INFORMATION CONTACT:

³ At present, submission of documents by telecommunication is limited to selected pilot projects.

Judith Lombard, 202–606–2431, EMAIL jmlombar@opm.gov, or FAX 202–606–2394.

SUPPLEMENTARY INFORMATION:

Accordingly, page 66194, third column, § 410.306(c) of the final rule published on December 17, 1996, is corrected to read as follows:

(c) Subject to the prohibitions of § 410.308(a) of this part, an agency may pay all or part of the training expenses of students hired under the Student Career Experience Program (see 5 CFR § 213.3202(d)(10)).

Jacqueline D. Carter,

Federal Regulations Liaison Officer.

[FR Doc. 96–32856 Filed 12–26–96; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE**Food and Consumer Service****7 CFR Part 278**

RIN 0584–AC00

Food Stamp Program: Revisions in Use and Disclosure Rules Involving the Sharing of Information Provided by Retail and Wholesale Food Concerns with Other Federal and State Agencies

AGENCY: Food and Consumer Service, USDA

ACTION: Final rule.

SUMMARY: This rulemaking implements certain provisions in two different laws which expand the authority of the United States Department of Agriculture's Food and Consumer Service (FCS) to share information provided by applicants and firms participating as authorized retail food stores or wholesale food concerns in the Food Stamp Program (FSP) with other Federal and State government agencies.

The intent of this final rule is to enable better administration and enforcement of the Food Stamp Act of 1977, as amended (the Act), or any other Federal or State law and regulations issued under the Act or any other Federal or State law. This rule provides new criteria to govern the sharing of such information and new criminal penalties for unauthorized use. It also implements the Secretary of Agriculture's new authority to share employer identification numbers (EINs) and Social Security numbers (SSNs) of applicants and firms participating in the FSP with other Federal agencies.

Finally, this rule makes technical changes to correct an error in regulatory reference and also to reflect changes made by the Department of the Treasury

in a parallel rule that does not change the substance of the affected provisions.

EFFECTIVE DATE: Provisions in this rule are effective and will be implemented beginning February 25, 1997.

FOR FURTHER INFORMATION CONTACT:

Questions regarding this final rule should be addressed to Suzanne Fecteau, Food and Consumer Service, Chief, Redemption Management Branch, 3101 Park Center Drive, Alexandria, Virginia 22302-1594, or by telephone at (703) 305-2418.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice to 7 CFR part 3015 subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of Executive Order 12372, which requires inter-governmental consultation with State and local officials.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. § 601-612). William E. Ludwig, the Administrator of the Food and Consumer Service, has certified that this rule will not have a significant economic impact on a substantial number of small entities; however, it may have a significant effect on a limited number of small entities that violate State or Federal laws.

Paperwork Reduction Act

This final rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule has preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule also has retroactive effect. Prior to any judicial challenge to the provisions

of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the Food Stamp Program the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-quality control (QC) liabilities) or Part 283 (for rules related to QC liabilities); (3) for Program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Background

On May 12, 1995, the Department published a proposed rule at 60 FR 25625, to implement section 203 of the Food Stamp Program Improvements Act of 1994, Public Law 103-225. Section 203 revises section 9(c) of the Food Stamp Act of 1977, as amended, to expand FCS' authority to share information provided by applicants and participating retail food concerns—including information about food stamp redemptions, retail food sales, and store ownership—with other Federal and State law enforcement and investigative agencies. It covers certain information provided on authorization applications, as well as additional supporting information submitted to document store eligibility to participate in the FSP. This information can be shared for the purpose of administering and enforcing the Food Stamp Act, as well as the enforcement of any other Federal or State laws, and the regulations issued under this Act or such other laws.

The sharing of EINs and SSNs is not covered by Public Law 103-225 or by Section 9(c) of the Food Stamp Act of 1977, as amended. The sharing of EINs and SSNs is covered in section 316 of the Social Security Independence and Program Improvements Act of 1994, Public Law 103-296, and is also implemented by this rule. Section 316 revises section 6109(f) of the Internal Revenue Code of 1986, and section 205(c)(2)(C) of the Social Security Act, to expand FCS' authority to verify and match SSNs and EINs with other Federal agencies or instrumentalities of the United States to more effectively administer and enforce the FSP, as well as other Federal laws and regulations.

For currently authorized firms, the provisions of this rule are effective February 25, 1997 and will be implemented beginning February 25, 1997. Because of the legal notice requirements related to the use of EINs

and SSNs, currently authorized firms will receive notices of the expanded information sharing provisions of this rule, and will be given the opportunity to withdraw from FSP participation if they do not want to be subject to these new provisions. Firms that remain authorized 60-days after the date of the notice, will be subject to the information sharing provisions. However, firms that withdraw or were disqualified from FSP participation prior to the implementation date on the notice will not be subject to the expanded information sharing provisions of this rule, unless such firms participate in the FSP at a future date subsequent to implementation of this rule.

Comments were solicited on the provisions of the proposed rulemaking through June 12, 1995. This final action addresses the commenters' concerns. Readers should refer to the proposed rule for a more complete understanding of this final action.

The Department received three comment letters on the proposed rule, two representing Federal agencies and one representing a State agency. All three commenters were supportive of the proposed provisions, and two offered constructive suggestions to clarify certain provisions of the proposed rule.

A State agency commented that the proposed rule will assist law enforcement and investigative agencies in their efforts to investigate food stamp trafficking, as well as other crimes associated with trafficking.

A Federal agency commented on the need to clarify certain requirements in the proposed rule regarding how information is requested. The proposed rule required that requests be submitted in writing and include the specific provisions of laws and regulations being enforced. The recommendation was that written requests include electronic communications. This commentator also recommended that the final rule allow standing agreements between FCS and other agencies to document that such information is being accessed for *bona fide* law enforcement purposes, without citing specific provisions of law.

It is the view of the Department that written requests include electronic communications. The Department also believes that formal agreements between government agencies may be a better way to document the *bona fide* need for the information. In such situations, individual written requests for access to FCS information may not be necessary. The Department has made this clear in the final rule by adding the appropriate language.

The Department of Agriculture's Office of Inspector General (OIG) expressed concern that the proposed rule restricted its authority to share information for enforcement of the Food Stamp Act, while other government entities could access information to enforce all laws and regulations under their respective jurisdictions. OIG also requested that the final rule include language to give it special authority to release information in certain circumstances.

The Department agrees that OIG and other USDA agencies may be allowed access to information needed to enforce Departmental laws and regulations. Appropriate clarifying language is included in the final rule. Authority for OIG or other agencies to release FCS information will be addressed in written agreements with individual agencies.

OIG was also concerned about the effective date of this rule. The proposed rule provides that stores authorized to participate in the FSP on August 15, 1994, and stores authorized after that date will be subject to the rule. OIG was concerned that a possible interpretation might be that stores initially authorized before August 15, 1994, that continue participating after implementation, would not be subject to this rule. This was not the Department's intent; thus, the final rule states that all stores participating in the FSP after implementation shall be subject to the provisions in this rule. This rule also affects unauthorized entities and individuals accepting and redeeming food stamps illegally, except that the sharing of EINs and SSNs for such firms will be limited to those firms which were previously sanctioned or convicted under section 12 or 15 of the Food Stamp Act of 1977, as amended (7 U.S.C. 2021 or 2024).

The Department has made minor revisions to clarify the meaning of a few provisions in the proposed rule in order to avoid any confusion. A reference to "applicant" under paragraph (q) that was inappropriate has been replaced with the appropriate term, "retail food store." The Department also clarified a reference in the proposed rule involving the Special Supplemental Food Program for Women, Infants and Children (WIC). Current regulations afford WIC special information sharing status. This rule's expanded information sharing negates the need to treat WIC as a special situation; therefore, the sentence involving the treatment of WIC in the proposed rule has been removed.

The Department has also added clarifying language to clearly distinguish between the two different laws implemented by this rule. One law

(amending the Food Stamp Act) addresses information, excluding SSNs and EINs, provided by applicants and participating firms that can be shared with both Federal and State law enforcement or investigative agencies. The other law (amending the Social Security Act and the Internal Revenue Code) addresses information involving SSNs and EINs that can only be shared with certain Federal agencies and instrumentalities of the United States. Clarifying language has also been added to the final rule to define "a law enforcement or investigative agency" and "an FCS initiated match." Editorial changes in the final rule were also made to provide a more orderly presentation.

Finally, because a regulation published on October 15, 1996 redesignated paragraph (q) to (r) in § 278.1, this rule makes the conforming changes.

List of Subjects in 7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

Accordingly, 7 CFR part 278 is amended as follows:

PART 278—[AMENDED]

1. The authority citation for 7 CFR part 278 continues to read as follows:

Authority: 7 U.S.C. 2011–2032

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

2. In § 278.1:

a. The heading and the introductory text of paragraph (r) is revised;

b. Paragraphs (r)(1) and (r)(2) are redesignated as paragraphs (r)(2) and (r)(3), respectively, and a new paragraph (r)(1) is added;

c. Newly redesignated paragraphs (r)(2)(i), (r)(2)(ii), (r)(3)(i), and (r)(3)(ii) are revised;

d. Newly redesignated paragraph (r)(2)(iii) is amended by adding after the word "Department" in the first sentence the words "or any agency or instrumentality of the United States" and by removing the designation "(c)(2)" following the references to "§ 301.6109–2" and "(26 CFR 301.6109–2)" and adding in its place the designation (d)(2);

e. Newly redesignated paragraph (r)(2)(iv) is amended by adding after the word "Department" the words "or maintained by any agency or instrumentality of the United States", by

removing the references to "§ 278.1(s)(1)(ii)" and "§ 278.1(r)(1)(iv)" and adding in their place references to "paragraph (r)(2)(ii) of this section" and "paragraph (r)(2)(iv) of this section", and by removing the designation "(d)" following the references to "§ 301.6109–2" and "(26 CFR 301.6109)" and adding in its place the designation (e);

f. Newly redesignated paragraph (r)(2)(v) is amended by removing the designation "(e)" after the references to "§ 301.6109–2" and "(26 CFR 301.6109–2)" and adding in its place the designation (f);

g. Newly redesignated paragraph (r)(3)(iv) is amended by removing the reference "§ 278.1(q)(2)(iv)" and adding in its place the reference "paragraph (r)(3)(iv) of this section"; and

h. A new paragraph (r)(4) is added. The revisions and additions read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(r) *Use and disclosure of information provided by firms.* With the exception of EINs and SSNs, the contents of an initial application, or other information required to be submitted by retail food stores and wholesale food concerns to determine continued eligibility, such as ownership information and sales and redemption data, may be disclosed to and used by Federal and State law enforcement and investigative agencies for the purpose of administering or enforcing the Food Stamp Act or any other Federal or State law, and the regulations issued under the Food Stamp Act or such other law. Such disclosure and use shall also include companies or individuals under contract for the operation by, or on behalf of FCS to accomplish an FCS function. Such purposes include the audit and examination of such information by the Comptroller General of the United States authorized by any other provision of law. Any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law or regulations any information obtained under this paragraph shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. Safeguards with respect to employee identification numbers (EINs) are contained in paragraph (r)(2) of this section. Safeguards with respect to Social Security numbers (SSNs) are contained in paragraph (r)(3) of this section.

(1) *Criteria for requesting information.* FCS shall determine what information can be disclosed and which government

agencies have access to that information based on the following criteria:

(i) Federal and State law enforcement or investigative agencies or instrumentalities administering or enforcing specified Federal and State laws, or regulations issued under those laws, have access to certain information maintained by FCS. Such agencies or instrumentalities must have among their responsibilities the enforcement of law or the investigation of suspected violations of law. However, only certain Federal entities have access to information involving SSNs and EINs in accordance with paragraph (r)(1)(ii) of this section;

(ii) Except for SSNs and EINs, information provided to FCS by applicants and authorized firms participating in the FSP may be disclosed and used by qualifying Federal and State entities in accordance with paragraph (r)(1)(i) of this section. The disclosure of SSNs and EINs is limited only to qualifying Federal agencies or instrumentalities which otherwise have access to SSNs and EINs based on law and routine use. Release of information under this paragraph shall be limited to information relevant to the administration or enforcement of the specified laws and regulations, as determined by FCS;

(iii) Requests for information must be submitted in writing, including electronic communication, and must clearly indicate the specific provision of law or regulations which would be administered or enforced by access to requested information, and the relevance of the information to those purposes. If a formal agreement exists between FCS and another agency or instrumentality, individual written requests may be unnecessary. FCS may request additional information if needed to clarify a request;

(iv) Disclosure by FCS is limited to: Information about applicant stores and concerns with applications on file; information about authorized stores participating in the FSP; and information about unauthorized entities or individuals illegally accepting or redeeming food stamps;

(v) Requests for information disclosure by FCS may involve a specific store or concern, or some or all stores and concerns covered by paragraph (r)(1)(iv) of this section. In addition, FCS may sign agreements allowing certain government entities direct access to appropriate FCS data, with access to EINs and SSNs limited only to other Federal agencies and instrumentalities that otherwise have access to such numbers.

(2) *Employer identification numbers.* (i) The Department may have access to the EINs obtained pursuant to paragraph (b)(5) of this section for the purpose of establishing and maintaining a list of the names and EINs of the stores and concerns for use in determining those applicants who previously have been sanctioned or convicted under sections 12 and 15 of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2021 or 2024). The Department also may share EINs with other Federal agencies and instrumentalities that otherwise have access to EINs if the Department determines that such sharing would assist in verifying and matching such information against information maintained by such other agency or instrumentality. Any such information shared pursuant to this paragraph may be used by the Department or such other agency or instrumentality for the purpose of effective administration and enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigating violations of other Federal laws or enforcing such laws. See Treas. Reg. § 301.6109-2 (b) and (c) (26 CFR 301.6109-2 (b) and (c)).

(ii) The only persons permitted access to EINs obtained pursuant to paragraph (b) of this section are officers and employees of the United States, who otherwise have access and whose duties or responsibilities require access to the EINs for the administration or enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigating violations of other Federal laws or enforcing such laws. See Treas. Reg. § 301.6109-2(d)(1) (26 CFR 301.6109-2(d)(1)).

(3) *Social Security numbers.* (i) The Department may have access to SSNs obtained pursuant to paragraph (b)(5) of this section for the purpose of establishing and maintaining a list of names and SSNs of stores and concerns for use in determining those applicants who previously have been sanctioned or convicted under section 12 or 15 of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2021 or 2024). The Department may use this determination of sanctions and convictions in administering sections 12 and 15 of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2021). The Department also may share SSNs with other Federal agencies and instrumentalities if the Department determines that such sharing would assist in verifying and matching such information against information maintained by the Department or such other agency or instrumentality. Any such information shared pursuant to

this paragraph shall be used for the purpose of effective administration and enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigating violations of other Federal laws or enforcing such laws.

(ii) The only persons permitted access to SSNs obtained pursuant to paragraph (b) of this section are officers and employees of the United States, who otherwise have access, and whose duties or responsibilities require access to the SSNs for the administration or enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigating violations of other Federal laws or enforcing such laws. Such access shall also include companies or individuals under contract for the operation by, or on behalf of FCS to accomplish an FCS function.

(4) *FCS initiated matches.* Under the restrictions noted in paragraph (r) of this section, FCS will periodically initiate cross matches of retailer data with other Federal and State agencies' files for the purpose of verifying information provided by applicant and participating firms, and for the purposes of administering and enforcing other Federal or State laws. Such matches could involve all firms participating after implementation for the purpose of verifying information such as, but not limited to, SSNs and retail sales data.

3. In § 278.9, a new paragraph (l) is added to read as follows:

§ 278.9 Implementation of amendments relating to the participation of retail food stores, wholesale food concerns and insured financial institutions.

(l) *Amendment No. 335.* Expanded authority to use and disclose information about firms participating in the FSP under CFR 278.1(r) for currently authorized firms is effective and will be implemented beginning February 25, 1997 but not before 60-days after the date of notices to such firms, notifying them of the changes. The only exception to the above is that such disclosure of information shall not apply to firms that are withdrawn or are disqualified from FSP participation prior to implementation, unless such firms participate in the FSP at a future date subsequent to the implementation date.

Dated: December 18, 1996.
William E. Ludwig,
Administrator, Food and Consumer Service.
[FR Doc. 96-32998 Filed 12-26-96; 8:45 am]
BILLING CODE 3410-30-U