

would favor a prior notice-and-wait obligation—rather than a prior approval power—with regard to those transactions.<sup>3</sup>

Despite my general inclination to believe a broad prior approval provision unwarranted when the parties have abandoned their planned transaction (as they did here), acceptance of a narrowly tailored prior approval provision is appropriate in the special circumstances of this case. Paragraph III of the proposed order merely requires respondents to seek prior Commission approval, over a three-year period, for essentially the same transaction that the Commission challenged in the first place. Given that a renewed Port Huron/Mercy consolidation would be likely to raise the same antitrust concerns, this narrow prior approval requirement is neither punitive nor redundant.

I also find acceptable the proposed order's 10-year prior notification requirement. This provision pertains only to (1) transactions in the narrowly defined "Greater Port Huron" that (2) exceed \$1 million yet (3) would not be reportable pursuant to Section 7A.<sup>4</sup> Where the Commission finds reason to believe that an acquisition would violate section 7, I consider it appropriate to require the respondent for some period of time to notify the Commission in advance of any proposed significant acquisitions in the relevant market that are not reportable under section 7A. That is all that Paragraph IV provides.

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Privacy Act of 1974; Computer Matching Programs—Department of Veterans Affairs

**AGENCY:** Administration for Children and Families, DHHS.

**ACTION:** Notice of a Computer Matching Program to Comply with Public Law (Pub. L.) 100-503, the computer Matching and Privacy Protection Act of 1988.

**SUMMARY:** In compliance with Public Law (Pub. L.) 100-503, the Computer

Matching and Privacy Protection Act of 1988, the Administration for Children and Families (ACF) will conduct a computer matching program on behalf of itself, the Health Care Financing Administration (HCFA), and the Food and Consumer Service (FCS) utilizing Veterans Affairs pension and compensation information. The ACF will also work with the Kansas Department of Social and Rehabilitation Services (KDSRS), the Nebraska Department of Social Services (NDSS), the Pennsylvania Department of Public Welfare (PDPW), and the Texas Department of Human Services (TDHS) using public assistance client records.

**ADDRESSES:** Interested parties may comment on this notice by writing to the Acting Director, Office of Information Systems Management, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047. All comments received will also be available for public inspection at this address.

**FOR FURTHER INFORMATION CONTACT:** Acting Director, Office of Information Systems Management, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047. Telephone Number (202) 401-6960.

**DATES:** ACF filed a report of the subject matching program with the Senate Committee on Governmental Affairs, the House Committee on Government Reform and Oversight, and the Office of Information and Regulatory Affairs, at the Office of Management and Budget on July 31, 1995.

#### SUPPLEMENTARY INFORMATION:

##### A. General

Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. The law regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State and local government records.

The amendments require Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with source agencies;
- (2) Provide notification to applicants and beneficiaries that their records are subject to matching;
- (3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;
- (4) Furnish detailed reports to Congress and OMB; and

- (5) Establish a Data Integrity Board that must approve matching agreements.

#### B. ACF Computer Match Subject to Pub. L. 100-503

Below is a brief description followed by a detailed notice of a computer match that ACF will be conducting as of August 31, 1995 or later.

ACF computer match with the Department of Veterans Affairs (VA). Purpose: To detect and determine the amount of benefit overpayment to public assistance recipients by verifying client VA pension and compensation circumstances using VA automated data files.

Dated: July 31, 1995.

**Mary Jo Bane,**

*Assistant Secretary for Children and Families.*

#### Notice of Computer Matching Program

The Kansas Department of Social and Rehabilitation Services (KDSRS), Nebraska Department of Social Services (NDSS), Pennsylvania Department of Public Welfare (PDPW) and Texas Department of Human Services (TDHS) public assistance client record matching with VA compensation and pension records.

##### A. Participating Agencies

ACF, VA, KDSRS, NDSS, PDPW and TDHS.

##### B. Purpose of the Matching Program

The purpose of this matching program is to provide KDSRS, NDSS, PDPW and TDHS with data from the VA benefit and compensation file. KDSRS, NDSS, PDPW and TDHS will provide ACF with a file of Medicaid, Aid to Families with Dependent Children (AFDC), general assistance and Food Stamp clients. VA will provide ACF with a file of individuals receiving VA compensation and pension benefits. ACF, on behalf of itself, HCFA, and FCS will match the KDSRS, NDSS, PDPW and TDHS files with the VA file and provide KDSRS, NDSS, PDPW and TDHS with VA pension and compensation benefit information. KDSRS, NDSS, PDPW and TDHS will use the VA information to determine the value of using VA information to verify client circumstances and to initiate adverse action when appropriate.

##### C. Authority for Conducting the Matching Program

ACF, HCFA, and FCS have an obligation to assist State Public Assistance Agencies in their efforts to verify client circumstances when determining an applicant's eligibility for public assistance benefits. The most cost-effective and efficient way to verify

<sup>3</sup> "Reinventing Antitrust Enforcement? Antitrust at the FTC in 1995 and Beyond," *supra* note 1, at 21-22.

<sup>4</sup> The third and fifth provisos to Paragraph IV, respectively, set forth the latter two limitations on the prior notification requirement.