

Done in Washington, DC, this 25th day of January 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410-34-M**

## Office of Civil Rights Enforcement

### Privacy Act; System of Records

**AGENCY:** Office of Civil Rights Enforcement (OCRE), Department of Agriculture (USDA).

**ACTION:** Notice of redesignated and revised Privacy Act System of Records, USDA/OCRE-1.

**SUMMARY:** Notice is hereby given that USDA is proposing to redesignate system of records USDA/OEO-1 as USDA/OCRE-1 and to revise this system of records concerning complaints alleging discrimination in USDA programs and activities.

**EFFECTIVE DATE:** This notice will be effective without further notice, on March 31, 1995, unless comments dictate otherwise. Although the Privacy Act requires only that the portion of the system which describes the "routine uses" of the system be published for comment, USDA invites comment on all portions of this notice. Comments must be received by the contact person listed below on or before March 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Andrew Johnson, Jr., Acting Deputy Associate Director, Policy and Planning Division, Office of Civil Rights Enforcement, USDA, Room 1364-South Building, 14th and Independence Avenue SW., Washington, DC 20250-9400, (202) 720-1130 (voice/TDD).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Privacy Act, 5 U.S.C. 522a, USDA is redesignating and revising a system of records to be maintained by OCRE. The purpose of this notice is to announce the redesignation of USDA/OEO-1 as USDA/OCRE-1 and the revision of this system of records maintained by OCRE. The system contains information on program discrimination complaints.

This redesignation and revision sets forth the authorities for the processing of program discrimination complaints as well as lists processes and procedures to be followed when assessing information in this system.

A "Report on New System," required by 5 U.S.C. 522a(r), as implemented by OMB Circular A-130, was sent to the Chairman, Senate Committee on Governmental Affairs, the Chairman, House Committee on Governmental Affairs, and the Administrator, Office of

Information and Regulatory Affairs, Office of Management and Budget on December 2, 1994.

Signed at Washington, DC, on October 11, 1994.

**Mike Espy,**

*Secretary.*

### Privacy Act System USDA/OCRE-1 Report

The purpose of this proposed system or records is to provide the United States Department of Agriculture, (USDA) Office of Civil Rights Enforcement, and the civil rights compliance offices of the USDA program agencies, with the necessary information regarding the processing of program discrimination complaints.

The authority for maintaining this system of record is 42 U.S.C. 2000d, *et seq.*; 42 U.S.C. 3608(d); 42 U.S.C. 12101, *et seq.*; 20 U.S.C. 1681, *et seq.*; 29 U.S.C. 794; 15 U.S.C. 1691, *et seq.*; and 7 U.S.C. 2011, *et seq.*

Use of this system, as established, should not result in infringement of any individual's right to privacy. All individuals about whom information in this system is maintained will voluntarily submit the information for the express purpose of furthering the civil rights objectives of the Department through complaint processing.

Access to these records will be limited to USDA employees whose official duties require such access.

These records are stored in file cabinets at the system locations. These offices are locked when unoccupied.

The system of records will be exempt pursuant to subsection (k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), from the provisions of subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

### USDA/OCRE-1

#### SYSTEM NAME:

Program Discrimination Complaints, USDA/OCRE-1.

#### SYSTEM LOCATION:

Program discrimination complaint files are maintained in the United States Department of Agriculture (USDA), Office of Civil Rights Enforcement (OCRE), and in the civil rights compliance office of the agency with respect to which the complaint of discrimination was filed (see appendix A).

#### CATEGORIES OR INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who file complaints on their behalf, or on the behalf of a group or class of persons, alleging

discrimination in USDA federally assisted or federally conducted programs or activities.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of complete files (i.e., complaints, agency responses to complaint related correspondence inquiries, and investigatory reports) on initial inquiries made by personnel of OCRE and the agencies involved with complaints. The files, where appropriate, may include investigatory reports compiled by OCRE or the agency involved.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 42 U.S.C. 2000d, *et seq.*; 42 U.S.C. 3608(d); 42 U.S.C. 12101, *et seq.*; 20 U.S.C. 1681, *et seq.*; 29 U.S.C. 794; 15 U.S.C. 1691, *et seq.*; and 7 U.S.C. 2011, *et seq.*

#### PURPOSE:

This system is established to maintain records relating to the processing of program discrimination complaints.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure may be made to the United States Department of Justice (DOJ), a court or other tribunal, or another party before such tribunal, when USDA, any component thereof, or any employee in his or her individual capacity where DOJ (or USDA where it is authorized to do so) has agreed to represent the employee, or the United States where USDA determines that the litigation is likely to affect directly the operations of USDA or any of its components, is a party to the litigation or has an interest in such litigation, and USDA determines that the use of such records by DOJ, the court or other tribunal, or the other party before such tribunal is relevant and necessary to the litigation; provided, however, that in each case, USDA determines that such disclosure is compatible with the purpose for which the records were collected.

(2) In the event that material in this system indicates a violation of law, whether civil or criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records may be disclosed to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) Disclosure may be made to a Congressional office from the record of