

American College Testing, Inc.,
Recognition Program Services, 301 ACT
Drive, Iowa City, Iowa 52243-4030.

General Dynamics, Information
Technology Service Division, 3040
Williams Drive, Suite 200, Fairfax,
Virginia, 22031.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains records on individuals who are participants in the U.S. Presidential Scholars Program (the program).

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of information about program candidates, including name, date of birth, Social Security number, address, e-mail address, high school, biographical information provided by the students such as work experience and awards received, SAT and ACT scores, school transcripts, and essays, as well as name and contact information for the teacher the candidate is nominating for the Department's Teacher Recognition Award. The system will also include the unique user identification and password issued to system users by the Department of Education (Department) in its invitation package (application to the program is by invitation only.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11155 (1964), as amended by Executive Order 12158 (1979).

PURPOSE(S):

The information in this system will be used to— (1) Determine the eligibility of candidates and review their applications in order to determine program semifinalists and finalists on an annual basis; (2) develop and implement the program's annual recognition component; and (3) carry out the authorizing Executive Order 11155, as amended by Executive Order 12158 (1979).

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

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. The Department may make disclosures on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Computer Matching and Privacy Protection Act of 1988, under a computer matching agreement.

(1) *Disclosure for Use by Other Law Enforcement Agencies.* The Department may disclose information to any Federal, State, local, tribal, or foreign agency or other public authority responsible for enforcing, investigating, or prosecuting violations of administrative, civil, or criminal law or regulations if that information is relevant to any enforcement, regulatory, investigative, or prosecutorial 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, regulations, 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, regulations, or order issued pursuant thereto.

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

(a) *Introduction.* In the event that one of the parties described in paragraphs (a)(i) through (v) 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), 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 or been requested to provide or arrange for representation for the employee;
(iv) Any Department employee in his or her individual capacity if the agency has agreed to represent the employee; or
(v) The United States if 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) *Adjudicative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to an individual or entity designated by the Department or otherwise empowered to resolve or

mediate disputes is relevant and necessary to litigation or ADR, 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 is relevant and necessary to litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, local, tribal, or foreign agency maintaining civil, criminal, or other relevant enforcement or other pertinent records or to another public authority or professional organization, if necessary, to obtain information relevant to a decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, tribal, or foreign agency or other public authority or professional organization in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint, or Conduct Disclosure.* The Department may disclose a record in this system of records to another agency of the Federal Government if the record is relevant to one of the following proceedings regarding a present or former employee of the Department: complaint, grievance, discipline, or competence determination proceedings. The disclosure may be made only during the course of the proceeding.

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

(7) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for