

### C. Authority for Conducting the Matching Program

The legal authority for disclosures under this Agreement are the Social Security Act (Act) and the Privacy Act of 1974, as amended. Section 453(j)(4) of the Act provides that OCSE shall provide the Commissioner of Social Security with all information in the NDNH. 42 U.S.C. 653(j)(4). We have the authority to use this data to determine entitlement and eligibility for the programs we administer pursuant to sections 453(j)(4), 1631(e)(1)(B) and (f), and 1148 of the Act. 42 U.S.C. 653(j)(4), 1320b-19(d)(1), and 1383(e)(1)(B) and (f). Disclosures under this Agreement are made in accordance with 5 U.S.C. 552a(b)(3), and in compliance with the matching procedures in 5 U.S.C. 552a(o), (p), and (r).

The Commissioner of Social Security is required to verify a recipient's or applicant's eligibility for SSI using independent or collateral sources. We cannot determine an applicant's eligibility for SSI benefits solely on the applicant's declaration concerning eligibility factors or other relevant facts. We also obtain information to ensure that we provide SSI benefits only to eligible individuals (or eligible spouses) and that we are paying the correct amounts of such benefits. Section 1631(e)(1)(B) of the Act.

Subsection 1631(f) of the Act provides that "The head of any federal agency shall provide such information as the Commissioner of Social Security needs for purposes of determining eligibility for or amount of benefits, or verifying information with respect thereto."

To comply with section 1148 of the Act, we must verify earnings of beneficiaries/recipients to ensure accurate payments to employer network providers under the Ticket-to-Work program.

### D. Categories of Records and Persons Covered by the Matching Program

Our Systems of Records (SOR) covered by this program are the SSI Record and Special Veterans Benefits (SSR), SSA/OEEAS, 60-0103 notice last published on January 11, 2006 (71 **Federal Register** (FR) 1830); and the Completed Determination Record-Continuing Disability Determination file (CDR-CDD), SSA/OD 60-0050 notice last published January 11, 2006 (72 FR 1813).

OCSE will match our information in the SSR and CDR-CDD against the NDNH. The NDNH contains new hire, QW, and UI information furnished by state and federal agencies and is maintained by OCSE in its SOR "OCSE

National Directory of New Hires" (NDNH), No. 09-80-0381, published in the FR on January 5, 2011, at 76 FR 560. Routine use (9) of the system of records authorizes disclosure of NDNH information to us, 76 FR 560, 562 (January 5, 2011).

Until January 31, 2013, through the Master File Query Menu (MFQM), we will use online queries to read records in the NDNH database. To limit disclosure and to prohibit browsing, our access is restricted by anti-browsing technology to only those Social Security numbers (SSN) that have a direct business relationship with SSI, DI, or Ticket programs (i.e., the record must have a valid SSI, DI, or Ticket payment or application issue). If no business relationship exists with us, OCSE denies access to NDNH and the user is unable to proceed. If a business relationship exists with us, we can access the NDNH to display an SSN-specific new hire, QW, or UI report in the NDNH. The MFQM extracts information from our SSR (for SSI recipients) or CDR-CDD (for ticket holders and disability beneficiaries) to facilitate query access. After January 31, 2013, we will invoke the OCSE web service to perform online lookups.

### E. Inclusive Dates of the Matching Program

The effective date of this matching program is no sooner than April 20, 2012, provided that the following notice periods have lapsed: 30 days after publication of this notice in the FR and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

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## DEPARTMENT OF STATE

### [Public Notice 7871]

#### Certification Related to the Khmer Rouge Tribunal; Correction

**AGENCY:** Department of State.

**ACTION:** Notice; correction.

**SUMMARY:** The Department of State published a document in the **Federal Register** of on August 16, 2011 concerning a Certification Related to the Khmer Rouge Tribunal. Inadvertently, the Memorandum of Justification was not included in the document for publication in the **Federal Register** and this notice corrects this error.

### FOR FURTHER INFORMATION CONTACT:

Ariel Wyckoff, (202) 647 9446.

### Correction

In the **Federal Register** of August 16, 2011, in FR Volume 76, page 50808, the following Memorandum of Justification should have been printed as an attachment to the original notice, PN 7556:

MEMORANDUM OF JUSTIFICATION UNDER SECTION 7071 (c) OF THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010, AS CARRIED FORWARD BY THE FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

Section 7071 (c) of the Department of State, Foreign Operations and Related Program Appropriations Act, 2010 (Div. F P.L. 111-117), as carried forward by Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10), provides that funds appropriated in the act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the Extraordinary Chambers in the Courts of Cambodia (ECCC), also commonly known as the "Khmer Rouge Tribunal" (KRT). Deputy Secretary Nides has signed the certification pursuant to State Department Delegation of Authority 245-1.

### Factors Justifying Determination and Certification

Allegations of corruption were abundant in the ECCC's early years until the Director of Administration was replaced in late 2008. His replacement, who remains the Director today has been extraordinarily competent and has cooperated well with the donor community, other court officials, and the United Nations Office of Legal Affairs.

The allegations and change in administration did not compromise the fundamental integrity of the ECCC. In July 2010 the ECCC successfully concluded Case 001—the trial against the former chief of the Tuol Sleng torture center, Kaing Guek Eav ("Duch"). His trial and conviction were the first meaningful attempt to hold a Khmer Rouge official accountable for war crimes committed under the Khmer Rouge regime. The United States, foreign governments, and NGOs monitoring the ECCC agree that the

proceedings met international standards of justice.

The ECCC, in cooperation with the UN, has taken additional steps to protect the integrity of its proceedings against allegations of corruption. In August 2009 the United Nations Office of Legal Affairs and the Government of Cambodia reached agreement to establish an Independent Counselor to serve as a deterrent against corruption and address potential future incidents of corruption or other forms of misconduct at the court. Shortly after his appointment, the Counselor released a "Meet the Independent Counselor" document to all court staff explaining his role, how he can be reached, and when he should be contacted. The circular outlined his roles and responsibilities, which include provision of an annual report to the UN Office of Legal Affairs and the Cambodian Government. The guidelines established for the Independent Counselor confirm his obligations to protect the confidentiality of complainants, to ensure that there are no reprisals for whistle-blowing and to provide a report of his activities to both the UN and RGC. The United States, in coordination with other donor nations, has conducted diplomatic efforts with both the United Nations Office of Legal Affairs and Government of Cambodia to assist in making the Independent Counselor fully operational, which have been effective. Addressing the ECCC in October 2010, the Secretary General commended the work of the Independent Counselor and the effect it has had on the perception of the court—that the ECCC's administration will not tolerate any form of corruption.

Because of all these steps taken to combat corruption and make the processes of the Court transparent, independent and efficient, it is the view of the State Department, other donor countries, prominent court officials, and non-governmental organizations (NGOs), that the ECCC appears to have resolved the corruption and mismanagement issues raised in 2008.

The United States currently plays a leadership role with respect to oversight of the ECCC by serving as a member of the New York-based ECCC Steering Committee. The United States also plays a leading role in the donors group in Phnom Penh, Cambodia. An additional contribution of funds will indicate an ongoing commitment to the work of the ECCC, and improve our position in discussions at the Steering Committee and with other current and potential donors. The Steering Committee oversees the budget and the timelines established by the ECCC and is

currently satisfied that the ECCC is administratively and financially sound.

The ECCC provides a monthly report to the UN Controller and the UN Department of Economic and Social Affairs, which closely monitors the activities of the court including its expenditures. In addition, all hiring on the international side of the court is vetted by the UN Department of Economic and Social Affairs. The UN Office of Legal Affairs actively engages on judicial management issues. For example, the ECCC accepted the UN's recommendation that the Pre-Trial Chamber sit on a full-time basis in order to improve the ECCC's efficiency and to expedite its decision-making. In addition, last year's U.S. contribution provided partial funding for a high-level official to work specifically on ECCC management-related issues. This official has effectively personally intervened with high level Cambodian officials to address ECCC management issues.

In late April the ECCC's Office of the Co-Investigating Judges (OCIJ) ended its investigation for Case 003 and forwarded the evidence to the Office of the Co-Prosecutors. The international co-prosecutor, Andrew Cayley, dissatisfied with the amount and depth of evidence, requested the OCIJ to conduct further investigations.

The issue of whether Case 003 falls within the jurisdiction of the ECCC is one on which reasonable persons can disagree. There is a formal process under the governing documents of the ECCC for resolving this disagreement. We see no basis for any assertions of mismanagement and possible misconduct in the OCIJ's handling of Case 003.

The Department looks forward to the final closing order and appeal so that this issue regarding further investigation into Case 003 can be resolved in with finality.

Certification and United States Policy Objectives

Certification recognizes the efforts of the United Nations and the Government of Cambodia to address allegations of corruption and mismanagement within the ECCC. It is not an indication, however, that no further work needs to be done. Both parties must continue to exercise oversight of the ECCC's operations, and the donor community and NGOs must continue their vigilant engagement with the United Nations and the Cambodian government to ensure that the ECCC remains corruption-free and well-managed.

Dated: May 1, 2012.

**Ariel Wyckoff,**

*Program Analyst, Bureau of East Asian and Pacific Affairs, U.S. Department of State.*

[FR Doc. 2012-11093 Filed 5-7-12; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 7818]

### Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department—Overseas Security Advisory Council on June 5 and 6, 2012. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522-2008, phone: 571-345-2214.

Dated: April 17, 2012.

**Scott P. Bultrowicz,**

*Director of the Diplomatic Security Service, U.S. Department of State.*

[FR Doc. 2012-11092 Filed 5-7-12; 8:45 am]

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## DEPARTMENT OF STATE

[Public Notice 7872]

### Notice of Meeting

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (FACA), the Advisory Committee on the Secretary of State's Strategic Dialogue with Civil Society will convene in Washington, DC on May 16, 2012. The Committee provides advice on the formulation of U.S. policies, proposals, and strategies for engagement with, and protection of, civil society worldwide. The objective of this meeting is to