

Cuomo's HUD 2020 Management Reform Plan. The establishment of REAC has created an effective and comprehensive property assessment system. HUD's Office of Housing and the Office of Public and Indian Housing have previously operated separate real estate assessment operations; yet the administration of both organization's multifamily portfolios is a common function of asset management. Under REAC, the assessment of properties of the Office of Housing and the Office of Public and Indian Housing has been consolidated and the physical evaluation standards and physical inspection procedures have been made uniform.

As noted in the "Summary" portion of this notice, the purpose of this notice is to advise owners, mortgagees and contract administrators of HUD insured and/or assisted housing, as well as members of the public, that REAC intends to conduct, as requested by the Congressional conferees in the FY 1999 HUD Appropriations Act, a baseline review of substantially all assisted and/or FHA insured properties over the next 12 to 18 months. The baseline review will be conducted using HUD's new uniform physical inspection computerized protocol.

This notice is not intended to waive or release the obligation of any person or entity to perform a physical inspection of a property or properties to be inspected in the baseline review, which inspection is otherwise required.

Persons or entities required to perform a physical inspection of a property or properties must send their physical inspection reports to REAC at the address shown under the "For Further Information" section of this notice.

Dated: January 25, 1999.

William C. Apgar,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 99-3079 Filed 2-8-99; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. 4456-N-01]

Privacy Act; Proposed Amendment to a System of Records

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notification of a proposed amendment to an existing system of records.

SUMMARY: Pursuant to the provision of the Privacy Act of 1974, as amended (5

U.S.C. 552a), the Assistant Secretary for Public and Indian Housing is amending the system of records titled, "Tenant Eligibility Verification Files"—HUD/PIH-1, previously published at 60 FR 53633; October 16, 1995. The amended notice cites two additional locations where records are maintained: HUD's Income Verification Centers in Chicago, Illinois and Seattle, Washington. HUD established the Income Verifications Centers in calendar year 1998 to facilitate expanded use of techniques to verify income of tenants who receive rental assistance. In addition, the amended notice expands routine use 10 to include evaluations of: (a) Legal and regulatory compliance with rental assistance program requirements, (b) program policies, and (c) actions taken by entities that administer HUD's rental assistance programs, to resolve income discrepancies identified through computer matching. The Authority for Maintenance of the System section of the system of records notice cites provisions in HUD's 1998 Appropriation Act eliminating sunset provisions in two statutes, and references the Native American Housing Assistance and Self-Determination Act of 1996. The system of records notice below supersedes the system of records notice published at 60 FR 53633; October 16, 1995. The prior published exemptions of HUD/PIH-1 from certain provisions of the Privacy Act of 1974 continue to apply to HUD/PIH-1, as amended.

HUD/PIH-1 contains computer matching and tenant eligibility verification records necessary to support the identification of tenants who have been or may be obtaining excessive rental assistance. The system of records also supports referrals of information concerning those tenants to entities that administer HUD rental assistance programs (i.e., housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners of subsidized multifamily projects, and management agents) and to law enforcement agencies for possible administrative or legal actions, as appropriate.

DATES: *Effective Date:* This proposal shall become effective without further notice in 30 calendar days (March 11, 1999) unless comments are received during or before this period which would result in a contrary determination.

Comments Due By: March 11, 1999.

ADDRESSEES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Room 10276,

Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410-0500.

Communications should refer to the above docket number and title. An original and four copies of comments should be submitted. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT:

Jeanette Smith, Departmental Privacy Act Officer, Telephone Number (202) 708-2374, concerning Privacy Act matters. Regarding records maintained in Washington, DC; Chicago, Illinois; and Seattle, Washington contact the following, respectively: David L. Decker, Director, Computer Matching, Office of the Public and Indian Housing, Telephone Number (202) 708-0099, Turhan Brown, Acting Director, Chicago Income Verification Center, Telephone Number (312) 353-6236; and Gordon Brandhagen, Acting Director, Seattle Income Verification Center, Telephone Number (206) 220-5312. (These are not toll free numbers.) A telecommunications device for hearing- and speech-impaired individuals (TTY) is available at 1-800-877-8339 (Federal Information Relay Service).

SUPPLEMENTARY INFORMATION: A notice of the HUD/SSA/IRS computer matching program concerning earned and unearned income, social security and supplemental security income is published at 63 FR 68129; December 9, 1998.

A report of the Department's intention to establish the system has been submitted to the Office of Management and Budget (OMB), the Senate Committee on Governmental Affairs, and the House Committee on Government Operations pursuant to paragraph 4c of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," July 25, 1994; 59 FR 37914.

Authority: 5 U.S.C. 552a, 88 Stat. 1896; 342 U.S.C. 3535(d).

Dated: January 28, 1999.

Gloria R. Parker,

Chief Information Officer.

HUD/PIH-1

SYSTEM NAME:

Tenant Eligibility Verification Files.

SYSTEM LOCATIONS:

The files will be maintained at the following locations: (1) U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Washington,

DC 20410; (2) Chicago Income Verification Center, U.S. Department of Housing & Urban Development, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604; (3) Seattle Income Verification Center, U.S. Department of Housing & Urban Development, Seattle Federal Building, 901 First Avenue, Seattle, Washington 98104.

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CATEGORIES OF RECORDS IN THE SYSTEM:

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tenants receiving rental assistance provided by programs administered by the Department of Housing and Urban Development, or information concerning those tenants obtained from other Federal or state agencies, housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners, and management agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of: (1) Automated tenant data obtained from HUD/H-11, Tenant Housing Assistance and Contract Verification Data, published at 62 FR 11909; March 13, 1997, (two HUD automated systems—the Multifamily Tenant Certification System and the Tenant Rental Assistance Certification System—are the primary components of HUD/H-11); (2) automated tenant data provided by housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners or management agents (generally these records are available in HUD/H-11); (3) information obtained from computer matching with automated earned income data that the Social Security Administration (SSA) provides under 26 U.S.C. 6103(l)(7)(A) from the Earnings Recording and Self-Employment Income System (HHS/SSA/OSR, 09-60-0059) (Earnings Record) and Master Beneficiary Record (HHS/SSA/OSR, 09-60-0090); (4) information obtained from computer matching with automated unearned income data that the Internal Revenue Service (IRS) provides to HUD under 26 U.S.C. 6103(l)(7)(B) from Treasury/IRS 22.061, Wage and Information Returns Processing (IRP) File Treasury/IRS; (5) information obtained from computer matching with automated Title II (social security) and Title XVI (supplemental security income) data that the SSA provides to HUD under a routine use from the Supplemental Security Income Record, HHS/SSA/OSR 90-60-0103; (6) information obtained from computer

matching with wage and unemployment compensation data from State wage information collection agencies; (7) information obtained from computer matching with automated data from the Office of Personnel Management's General Personnel Records (OPM/GOVT-1), and the Civil Service Retirement and Insurance Records System (OPM/Central-1) pursuant to a routine use; (8) information obtained from computer matching with automated data from the Department of Defense's Defense Manpower Data Center Data Base (S322.10.DMDC) pursuant to a routine use; (9) information obtained from computer matching with automated records from the SSA's Master Files of Social Security Number Holders, known as the Enumeration Verification System—(HHS/SSA/OSR, 09-60-0058) pursuant to a routine use; (10) applications for rental assistance and other related documentation obtained from tenant case files maintained by housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners, and management agents; (11) data received from employers confirming income or deductions supporting determinations of eligibility for, and the amount of, rental assistance benefits; (12) automated records provided by other Federal agencies under the investigative exclusion of the Computer Matching and Privacy Protection Act of 1988; and (13) automated records provided by housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners and management agents regarding actions taken on computer matching results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Subparagraph (D) of section 6103(l)(7) of the Internal Revenue Code 26 U.S.C. 6103(l)(7)(D), permits HUD to request from the Commissioner of the SSA and the Secretary of the Treasury, SSA and IRS earned and unearned income information, respectively, needed to verify the incomes of tenants who receive rental assistance. Section 6103(l)(7)(D) precludes HUD from redisclosing that information to entities that administer HUD programs (i.e. housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners and management agents). Section 542(b) of HUD's 1998 Appropriations Act (Pub. L. 105-65; October 27, 1997) eliminated a September 30, 1998 sunset provision to 26 U.S.C. 6103(l)(7)(D), effectively

making permanent the authority for SSA and IRS disclosures of Federal tax return information to HUD.

The Stewart B. McKinney Homeless Assistance Amendments Act of 1988, 42 U.S.C. 3544, as amended, allows HUD to notify those entities that disparities exist between the tenant-reported incomes and income obtained from independent income sources, i.e., the SSA or the IRS. The McKinney Amendments of 1988 also authorized HUD to request, under Section 303(i) of the Social Security Act, wage and claim information from state agencies responsible for the administration of state unemployment law. Section 542(a)(1) of HUD's 1998 Appropriation Act, referenced above, eliminated an October 1, 1994 sunset provision to Section 303(i) of the Social Security Act, effectively making permanent the authority requiring state agencies to disclose wage and claim information to HUD and public housing agencies.

Section 165 of the Housing and Community Development Act of 1987, Pub. L. 100-242; authorizes HUD to require applicants and participants in HUD-administered programs involving rental assistance to disclose to HUD their social security numbers as a condition of initial or continuing eligibility for participation. Subpart T of 24 CFR part 200 applies this requirement to member of households six (6) years of age and older.

Applicable laws concerning HUD's assisted housing programs include: the United States Housing Act of 1937, 42 U.S.C. 1437 note; and section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s, and the Native American Housing Assistance and Self-Determination Act of 1996, 25 U.S.C. 4101, et seq.

PURPOSE(S):

The primary purposes of HUD/PIH-1 are to aid HUD and entities that administer HUD's assisted housing programs in: (a) Increasing the availability of rental assistance to individuals who meet the requirements of Federal rental assistance programs, (b) detecting abuses in assisted housing programs, (c) taking administrative or legal actions to resolve past abuses of assisted housing programs and (d) deterring abuses. HUD/PIH-1 serves as a repository for automated information used in and resulting from computer matching tenant data for recipients of Federal rental assistance to other data sources; HUD/PIH also contains non-automated information used in and resulting from verifying computer matching results and in accomplishing the purposes previously cited. Records

in this system are subject to use in authorized and approved computer matching programs regulated under the Privacy Act of 1974, as amended.

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

1. Records included in the system may be used in conducting computer matching with Federal and State agencies to aid in the identification of tenants who have received excessive rental housing assistance.
2. Records that HUD obtains from the SSA and the IRS under the authority of 26 U.S.C. 6103(l)(7), may be disclosed only to the tenant/taxpayer, to HUD employees responsible for investigating or prosecuting such violation or enforcing or implementing a statute, rule or regulation, or as otherwise permitted under 26 U.S.C. 6103.
3. Records that indicate a potential violation of law, whether criminal, civil or regulatory in nature, except for records obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed to the appropriate Federal, state or local agency charged with the responsibility for investigating or prosecuting such violation or enforcing or implementing a statute, rule or regulation.
4. Records, except for those obtained from the SSA or IRS under the authority of 26 U.S.C. 6103(l)(7), may be disclosed to a congressional office in response to an inquiry from that congressional office made at the request of the individual who is the subject of the records.
5. Records, with the exception of those obtained pursuant to 26 U.S.C. 6103(l)(7), may be disclosed to housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners and management agents in order to assist them in determining tenants' eligibility for rental assistance, and the amount of that assistance and to facilitate recovery of money or property or other administrative actions, i.e., eviction, necessary to promote the integrity of programs.
6. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed during the course of an administrative proceeding where HUD or housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owner or management agent are a party to the litigation and disclosure is relevant and reasonably necessary to adjudicate the matter.
7. Records, except for those obtained from the SSA and the IRS under 26

U.S.C. 6103(l)(7), may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, 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 by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.

8. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), may be disclosed to a Federal agency to initiate Federal salary or annuity offsets as necessary to collect excessive rental assistance received by the tenant.

9. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7), concerning an individual's receipt of excessive rental assistance, including the individual's actions to repay the same, may be disclosed to the Federal agency that employs such individual, for the purpose of notifying the employer of potential violation of the Standards of Ethical Conduct for Employees of the Executive Branch.

10. Records may be used to provide statistical information to Congress and the Office of Management and Budget for use in evaluating: The effectiveness of computer matching and income verification programs; program policies; and actions taken by entities that administer HUD's rental assistance programs to resolve income discrepancies identified through computer matching.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored manually in tenant case files and electronically in office automation equipment. Records, except for those obtained from the SSA and the IRS under 26 U.S.C. 6103(l)(7)(A) and (B), may also be stored on mainframe computer facilities.

RETRIEVABILITY:

Records may be retrieved by manual or computer search of indices by the name, social security number, housing agency, Indian Tribe and Tribally Designated Housing Entity participating in the Section 8 Program, owner or management agent.

SAFEGUARDS:

Records are maintained in locked file cabinets or in metal file cabinets in secured rooms or premises with access limited to those persons whose official

duties require access. Computer files and printed listings are maintained in locked cabinets. Computer terminals are secured in controlled areas which are locked when unoccupied. Access to automated records is limited to authorized personnel who must use a password system to gain access. HUD will safeguard the SSA and the IRS records obtained pursuant to 26 U.S.C. 6103(l)(7)(A) and (B) in accordance with 26 U.S.C. 6103(p)(4) and the IRS' "Tax Information Security Guidelines for Federal, State and Local Agencies," Publication 1075 (REV. 1-98).

RETENTION AND DISPOSAL:

Only those computer files and printouts created from the computer matching that meet predetermined criteria are maintained. These records will be destroyed as soon as they have served the matching program's purpose. All other records will be destroyed as soon as possible within 1 year. Paper listings containing personal identifiers will be shredded. Computer source files provided by other organizations will be returned to those organizations or destroyed in accordance with computer matching agreements.

Information obtained through computer matching and tenant case file reviews will be destroyed as soon as follow-up processing of this information is completed, unless the information is required for evidentiary reasons or needed by housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners and agents for use in program eligibility determinations. When needed for evidentiary documentation, the information will be referred to the HUD Office of Inspector General (OIG) or other appropriate Federal, state or local agencies charged with the responsibility for investigating or prosecuting such violations. When referred to the HUD OIG the information then becomes a part of the Investigative Files of the Office of Inspector General, HUD/OIG-1.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Computer Matching, Office of the Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5156, Washington, DC 20410.

NOTIFICATION AND RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves, or seeking access to such records, should address inquiries to the Director, Computer Matching, Office of the Public

and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 5156, Washington, DC 20410.

Written requests should contain the full name, Social Security Number, date of birth, current address and telephone number of the individual.

For personal visits, the individual must be able to provide some acceptable identification, such as a driver's license or other identification card.

CONTESTING RECORD PROCEDURES:

The procedures for amendment or correction of records, and for appealing initial agency determinations, appear in 24 CFR part 16.

RECORD SOURCE CATEGORIES:

The Assistant Secretary for Public and Indian Housing and the Assistant Secretary for Housing-Federal Housing Commissioner collect information from a variety of sources, including: housing agencies, Indian Tribes and Tribally Designated Housing Entities participating in the Section 8 Program, owners and management agents, state wage information collection agencies, other Federal and state agencies, law enforcement agencies, program participants, complainants, and other nongovernmental sources.

EXEMPTIONS FROM CERTAIN PROVISIONS OF THE ACT:

To the extent that information in this system of records falls within the coverage of subsection (k)(2) of the Privacy Act, 5 U.S.C. 552(k)(2), the system is exempt from the requirements of subsections (c)(3), (d)(1), (d)(2) and (e)(1) of the Privacy Act. To the extent that information in this system of records falls within the coverage of subsection (k)(5) of the Privacy Act, 5 U.S.C. 552a(k)(5), the system is exempt from the requirements of subsection (d)(1) of the Privacy Act. See 24 CFR 16.15 (c) and (d).

[FR Doc. 99-3080 Filed 2-8-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of the Proposed Appointment of Teresa E. Poust to the National Indian Gaming Commission

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public of the proposed appointment of Teresa E. Poust as an associate member of the National Indian Gaming Commission.

Interested parties have 30 days to comment on this proposed appointment.

DATES: Comments must be received before or on March 11, 1999.

ADDRESSES: Comments should be submitted to the Director, Executive Secretariat, United States Department of the Interior, 1849 C Street, N.W., Mail Stop 7229, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Louis G. Leonard, III, Attorney-Advisor, Division of General Law, United States Department of the Interior, 1849 C Street, N.W., Mail Stop 6531, Washington, D.C. 20240; telephone 202-208-5216.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act establishes the National Indian Gaming Commission (Commission), composed of three full-time members, a chairman, and two associate members. 25 U.S.C. section 2704(b). Commission members serve for a term of 3 years. 25 U.S.C. section 2704(b)(4)(A). The chairman is appointed by the President with the advice and consent of the Senate. 25 U.S.C. section 2704(b)(1)(A). The two associate members are appointed by the Secretary of the Interior. 25 U.S.C. section 2704(b)(1)(B). Before appointing an associate member to the Commission, the Secretary must "publish in the Federal Register the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and shall allow a period of not less than thirty days for receipt of public comment." 25 U.S.C. section 2704(b)(2)(B). Notice is hereby given of the proposed appointment by the Secretary of Teresa E. Poust as an associate member of the Commission for a term of 3 years.

Since 1992, Ms. Poust has served in several capacities as an attorney and administrator for the Poarch Band of Creek Indians. Most recently, as the Tribal Administrator, she directed 13 Tribal departments including Law Enforcement, Human Resources, and Social Services, and supervised Federal contracts and grant programs involving, among others, the United States Bureau of Indian Affairs. Previously, in positions as Tribal Comprehensive Planner and Contract and Grants Attorney, Ms. Poust oversaw the Tribe's compliance with Federal and State law and regularly addressed Tribal gaming issues. She also served as a member of the Board of Directors for the Tribe's gaming activities. In addition, in 1990 and 1991, while pursuing her law degree, Ms. Poust examined Indian law issues at a private law firm and at the

National Advisory Council on Indian Education, both located in Washington, D.C. Ms. Poust also clerked in 1991 at the Division of Indian Affairs, Office of the Solicitor, Department of the Interior, and served as a research assistant for the Office of Trust and Economic Development, Bureau of Indian Affairs, in 1988.

Ms. Poust is an enrolled member of the Poarch Band of Creek Indians of Atmore, Alabama, a federally recognized tribe. She received her Bachelor of Arts in Business Administration from the California State University in Fullerton in 1989. In 1992, she earned a Juris Doctor from the Columbus School of Law of the Catholic University of America. She is professionally associated with the Alabama and Escambia County bar association. Ms. Poust does not appear to have any financial interests, management responsibilities, or other circumstances that would make her ineligible to serve on the Commission under 25 U.S.C. section 2704(b)(5).

Any person wishing to submit comments on this proposed appointment may forward written comments to the address listed above. Comments must be received by the due date, which is 30 days from the date of the publication of this notice.

Dated: February 3, 1999.

Edward B. Cohen,

Deputy Solicitor.

[FR Doc. 99-3044 Filed 2-8-99; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit Number TE842503

Applicant: The Organization for Bat Conservation, Williamston, Michigan.

The applicant requests an amendment to existing permit number 842503 to expand take activities with endangered Indiana bats (*Myotis sodalis*) in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The applicant has applied for authorization