

Although separate notice is being provided for APIS, it continues to operate within the TECS information technology system architecture; therefore APIS's technical infrastructure is covered by the approved TECS Certification and Accreditation under the National Institute of Standards and Technology. The last certification was in January 2006.

RETENTION AND DISPOSAL:

Information collected in APIS is maintained in this system for a period of no more than twelve months from the date of collection at which time the data is erased from APIS. As part of the vetting and CBP clearance (immigration and customs screening and inspection) of a traveler, information from APIS is copied to the Border Crossing Information System, a subsystem of TECS. Additionally, for individuals subject to US-VISIT requirements, a copy of certain APIS data is transferred to the Arrival and Departure Information System (ADIS) for effective and efficient processing of foreign nationals. The SORN for ADIS was last published on August 22, 2007 (72 FR 47057). Different retention periods apply for APIS data contained in those systems.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Automated Systems, U.S. Customs and Border Protection Headquarters, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

NOTIFICATION PROCEDURE:

DHS allows persons (including foreign nationals) to seek administrative access under the Privacy Act to information maintained in APIS. Persons may only seek access to APIS data that has been provided by the carrier and of which they are the subject. To determine whether APIS contains records relating to you, write to the Customer Service Center, OPA-CSC-Rosslyn, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 (phone: 877-CBP-5511).

RECORD ACCESS PROCEDURES:

Requests for notification or access must be in writing and should be addressed to the Customer Service Center, OPA-CSC-Rosslyn, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 (phone: 877-CBP-5511). Requests should conform to the requirements of 6 CFR Part 5, Subpart B, which provides the rules for requesting access to Privacy Act records

maintained by DHS and can be found at <http://www.dhs.gov/foia>. The envelope and letter should be clearly marked "Privacy Act Access Request." The request should include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

If individuals are uncertain what agency handles the information, they may seek redress through the DHS Traveler Redress Program ("TRIP") (See 72 FR 2294, dated January 18, 2007). Individuals who believe they have been improperly denied entry, refused boarding for transportation, or identified for additional screening by CBP may submit a redress request through the TRIP. TRIP is a single point of contact for individuals who have inquiries or seek resolution regarding difficulties they experienced during their travel screening at transportation hubs—like airports, seaports and train stations or at U.S. land borders. Through TRIP, a traveler can request correction of erroneous stored in other DHS databases through one application. Redress requests should be sent to: DHS Traveler Redress Inquiry Program (TRIP), 601 South 12th Street, TSA-901, Arlington, VA 22202-4220 or online at <http://www.dhs.gov/trip>.

CONTESTING RECORD PROCEDURES:

Individuals may seek redress and/or contest a record through several different means that will be handled in the same fashion. If the individual is aware the information is specifically handled by CBP, requests may be sent directly to CBP at the Customer Service Center, OPA-CSC-Rosslyn, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 (phone: 877-CBP-5511). If the individual is uncertain what agency is responsible for maintaining the information, redress requests may be sent to DHS TRIP at DHS Traveler Redress Inquiry Program (TRIP), 601 South 12th Street, TSA-901, Arlington, VA 22202-4220 or online at <http://www.dhs.gov/trip>.

RECORD SOURCE CATEGORIES:

The system contains data received from private and commercial aircraft pilots, operators/carriers, and vessel carriers regarding passengers and crewmembers who arrive in, depart from, transit through or overfly (in the case of flight crew only) the United States on private aircraft, air, or, vessel carriers covered by APIS regulations. The system also contains data to the

extent voluntarily submitted by rail and bus carriers regarding passengers and crewmembers who arrive in, and/or depart from the United States. During physical processing at the border, primary inspection lane and ID inspector are added to APIS, and the APIS information is verified using the travel documents. Additionally, records contain the results of comparisons of individuals to information maintained in CBP law enforcement databases, as well as information from the TSDB, information on individuals with outstanding wants or warrants, and information from other government agencies regarding high risk parties

EXEMPTIONS CLAIMED FOR THE SYSTEM:

No exemption shall be asserted with respect to information maintained in the system that is collected from a person and submitted by that person's air or vessel carrier, if that person, or his or her agent, seeks access or amendment of such information.

This system, however, may contain records or information recompiled from or created from information contained in other systems of records, which are exempt from certain provision of the Privacy Act. This system may also contain accountings of disclosures made with respect to information maintained in the system. For these records or information only, in accordance with 5 U.S.C. 552a(j)(2), and (k)(2), DHS will also claim the original exemptions for these records or information from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G) through (I), (5), and (8); (f), and (g) of the Privacy Act of 1974, as amended, as necessary and appropriate to protect such information.

Dated: November 10, 2008.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5268-D-01]

Consolidated Delegation of Authority to the General Counsel

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: On January 31, 1989, HUD published a notice of delegation of authority that became effective January 19, 1989. That delegation, from the

Secretary of HUD to the General Counsel, consolidated and updated past delegations. Since the January 31, 1989, publication, additional delegations and updates have been issued and published independently. In order to provide greater guidance to the public concerning Secretarial delegations of authority to the General Counsel, this delegation of authority consolidates all delegations to the General Counsel within and since the January 31, 1989, **Federal Register** notice.

EFFECTIVE DATE: November 3, 2008.

FOR FURTHER INFORMATION CONTACT: John P. Opitz, Associate General Counsel, Office of Finance and Regulatory Compliance, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 9256, Washington, DC 20410-0500, telephone number 202-402-5178. (This is not a toll-free number.) Individuals with speech or hearing impairments may access this number through TTY by calling 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

This notice consolidates into one document the authority delegated by the Secretary to the General Counsel and supersedes all prior delegations of authority from the Secretary to the General Counsel. This consolidated delegation of authority restates existing authority currently delegated by the Secretary to the General Counsel and does not provide the General Counsel with any new authority. Published elsewhere in today's **Federal Register** is a redelegation of authority from the General Counsel to subordinate employees within the Office of General Counsel.

In addition to the authority published in today's consolidated delegation of authority, the Secretary has delegated other authorities to the General Counsel by regulation. These delegations include:

1. Naming the General Counsel as HUD's Designated Agency Ethics Official; 5 CFR 7501.

2. Authorizing the General Counsel, and in some instances, the appropriate Associate General Counsel or Regional Counsel, to respond to subpoenas and/or other demands from the courts or other authorities; 24 CFR part 15.

3. Designating the General Counsel as the source selection authority for the procurement of outside legal services through either the lowest price technically acceptable or tradeoff process; 48 CFR 2415.303(a)(3).

4. Designating the General Counsel as a responsible official to ensure the implementation of the policies of the

National Environmental Policy Act (NEPA) and other environmental requirements of the Department, including the performance of the responsibilities of an Environmental Clearance Officer pursuant to 24 CFR 50.10(a), 50.16.

5. Authorizing the General Counsel, as set forth in 24 CFR parts 103 and 180, to exercise authority pertaining to civil rights statutes, including the Fair Housing Act, 42 U.S.C. 3601 *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 *et seq.*; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 *et seq.*; and Section 109 of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 *et seq.*

6. Authorizing the General Counsel to initiate a civil money penalty action pursuant to Sections 102 and 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a(c), 3545); 24 CFR part 4 in accordance with the provisions of 24 CFR part 30.

7. Authorizing the General Counsel to appoint, and fix the compensation of a foreclosure commissioner or commissioners and alternate commissioners, in accordance with the Multifamily Mortgage Foreclosure Act of 1981 (12 U.S.C. 3701 *et seq.*); 24 CFR 27.10.

HUD's Program Assistant Secretaries have also delegated authority to the General Counsel. The Assistant Secretary for Housing—Federal Housing Commissioner has delegated authority to the General Counsel to issue a notice of violation under the terms of a regulatory agreement; to issue a notice of default under the terms of housing assistance payments contracts (HAPs); to impose civil money penalties, and to take all actions permitted under 24 CFR 30.36, 30.45, and 30.68. (71 FR 60168, October 12, 2006).

Section 30.36 of HUD's regulations (24 CFR 30.36) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate civil money penalty action against any principal, officer, or employee of a mortgagee or lender, or other participant or any provider of assistance to a borrower in connection with any such mortgage or loan, including: Sellers, borrowers, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, dealers, consultants, contractors, subcontractors, and inspectors.

Section 30.45 of HUD's regulations (24 CFR 30.45) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate

civil money penalty action against any mortgagor of a multifamily property with a mortgage insured, co-insured, or held by the Secretary, pursuant to Title II of the National Housing Act or to Section 202 of the Housing Act of 1959.

Section 30.68 of HUD's regulations (24 CFR 30.68) authorizes the Assistant Secretary for Housing—Federal Housing Commissioner, or designee, to initiate civil money penalty action against any owner, general partner of a partnership, or agent employed to manage the property that has an identity of interest with the owner or general partner receiving project-based assistance under Section 8 of the United States Housing Act of 1937 for a knowing and material breach of HAP contracts.

Section A. Authority

The Secretary of Housing and Urban Development hereby delegates the following authorities to the General Counsel:

1. To interpret the authority of the Secretary and to determine whether the issuance of any rule, regulation, statement of policy, or standard promulgated by HUD is consistent with that authority.

2. To direct all litigation affecting HUD and to sign, acknowledge, and verify on behalf of and in the name of the Secretary all declarations, bills, petitions, pleas, complaints, answers, and other pleadings in any court proceeding brought in the name of or against the Secretary or in which the Secretary is a named party.

3. To direct the referral of cases and other matters to the Attorney General for appropriate legal action and to transmit information and material pertaining to the violation of law or HUD rules and regulations. There are excepted from this authority, however, those referrals and transmittals that the Inspector General is authorized to make by law or by delegation of authority.

4. To accept, on behalf of the Secretary, service of all summons, subpoenas, and other judicial, administrative, or legislative processes directed to the Secretary or to an employee of HUD in an official capacity, and to execute affidavits asserting HUD's deliberative process privilege.

5. Where not inconsistent with other regulations pertaining to proceedings before administrative law judges, to approve the issuance of subpoenas or interrogatories pertaining to investigations for which responsibility is vested in the Secretary.

6. To consider, ascertain, adjust, determine, compromise, allow, deny, or otherwise dispose of claims under the Federal Tort Claims Act, 28 U.S.C.

1346(b), 2671 *et seq.* and the Military Personnel and Civilian Employees' Claims Act of 1974, 31 U.S.C. 3721 *et seq.*

7. To act upon the appeals and issue final determinations on appeals of denial of access or record correction under the Privacy Act of 1974, except appeals regarding records maintained by the Office of Inspector General (Pub. L. 93-579), 5 U.S.C. 552(c).

8. To make written requests, for purposes of civil or criminal law enforcement activities, to other agencies for the transfer of records or copies of records maintained by such agencies under subsection (b)(7) of the Privacy Act of 1974, as amended (5 U.S.C. 552a(b)(7)).

9. To act upon appeals under the Freedom of Information Act, 5 U.S.C. 552, except appeals from decisions of the Office of Inspector General.

10. To appoint a foreclosure commissioner or commissioners, or a substitute foreclosure commissioner to replace a previously designated foreclosure commissioner under Section 805 of the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3754; the power to fix compensation for the foreclosure commissioner under Section 812 of the Single Family Mortgage Foreclosure Act of 1994, 12 U.S.C. 3761; and to promulgate regulations necessary to carry out the provisions of the Single Family Mortgage Foreclosure Act.

11. To make determinations and certifications required under Section 1114 of the Right to Financial Privacy Act, 12 U.S.C. 3401, *et seq.*

12. To designate authorized officials to exercise the powers or perform the duties of the General Counsel, through an order of succession (subject to the provisions of the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345-3349d), during any period when, by reason of absence, disability, or vacancy in office, the General Counsel for HUD is not available.

13. To serve as an Attesting Officer and to cause the seal of HUD to be affixed to such documents as may require its application and to certify that a copy of any book, paper, microfilm, or other document is a true copy of that in the files of HUD.

14. To act as the designated official under Section 5(a) of Executive Order 12630, *Governmental Actions and Interference With Constitutionally Protected Property Rights*, issued March 15, 1987, (53 FR 8859, March 18, 1988) consistent with Executive Order 13406, *Protecting the Property Rights of the American People*, issued June 23, 2006 (71 FR 36973, June 28, 2006).

15. To make determinations of federalism implications, preemption, or the need for consultations with state and local officials as required by Executive Order 13131, *Federalism*, issued August 4, 1999 (64 FR 43255, August 10, 1999).

Section B. Authority To Redelegate

The General Counsel is authorized to redelegate to employees of HUD any of the authority delegated under Section A above.

Section C. Authority Superseded

This delegation supersedes all previous delegations of authority from the Secretary to the General Counsel including, but not limited to, those listed below:

1. 45 FR 67779 (October 14, 1980) [Docket No. D-80-623], as amended by 54 FR 4913 (January 31, 1989) [Docket No. D-89-893; FR-2595];
2. 54 FR 4913 (January 31, 1989) [Docket No. D-89-893; FR-2595];
3. 54 FR 13121 (March 30, 1989) [Docket No. D-89-894; FR-2614];
4. 54 FR 46654 (November 6, 1989) [Docket No. D-89-893, FR-2595];
5. 56 FR 52557 (October 21, 1991) [Docket No. D-91-963; FR-3170-D-01];
6. 58 FR 8057 (February 11, 1993) [Docket No. D-93-1017; FR-3445-D-01];
7. 59 FR 9761 (March 1, 1994) [Docket No. D-94-1051; FR-3667-D-01];
8. 59 FR 39955 (August 5, 1994) [Docket No. R-94-1744; FR-3754-F-01];
9. 59 FR 53522 (October 24, 1994) [Docket No. D-94-1075; FR-3791-D-01];
10. 60 FR 57526 (November 15, 1995) [Docket No. FR-3951-D-01];
11. 61 FR 50215 (September 24, 1996) [Docket No. FR-4022-F-02];
12. 61 FR 53382 (October 11, 1996) [Docket No. FR-4147-D-01], as amended by 68 FR 37170 (June 23, 2003) [Docket No. FR-4837-D-36]; and
13. 68 FR 41840 (July 15, 2003) [Docket No. FR-4837-D-33].

Authority: Section 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 3, 2008.

Steven C. Preston,
Secretary.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5268-D-02]

Consolidated Redelegation of Authority to the Office of General Counsel

AGENCY: Office of General Counsel, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: This redelegation of authority consolidates and updates past redelegations of authority from the General Counsel to subordinate employees.

DATES: *Effective Date:* November 6, 2008.

FOR FURTHER INFORMATION CONTACT: John P. Opitz, Associate General Counsel, Office of Finance and Regulatory Compliance, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street, SW., Room 9256, Washington, DC 20410-7000; 202-402-5178. (This is not a toll-free number.) For those needing assistance, this number may be accessed through TTY by calling 202-708-1455.

SUPPLEMENTARY INFORMATION: Elsewhere in today's **Federal Register** is a notice of a consolidated delegation of authority from the Secretary of HUD to the General Counsel. In that notice, the General Counsel was given the authority to redelegate to employees of HUD any authority delegated by the Secretary to the General Counsel. Through this notice, the General Counsel is redelegating certain authority to other employees of the Office of General Counsel.

Section A contains concurrent redelegations from the General Counsel to the General Deputy General Counsel, the Deputy General Counsel for Operations and the Deputy General Counsel for Housing Programs. Section B contains redelegations from the General Counsel to specific positions within the Office of General Counsel. Section C contains redelegations to the Departmental Enforcement Center within the Office of General Counsel. These redelegations revoke and supersede all previous delegations of authority from the General Counsel to subordinate employees.

Section A. Authority Delegated to the General Deputy General Counsel and Deputy General Counsels

The General Counsel retains and redelegates the following authority concurrently to the General Deputy General Counsel, the Deputy General