

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4456-N-22]

### Privacy Act of 1974; Notice of a Computer Matching Program

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice of a Computer Matching Program—HUD and the United States Department of Agriculture (USDA).

**SUMMARY:** In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, as amended, (Pub. L. 100-503), and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs (54 FR 25818 (June 19, 1989)), and OMB Bulletin 89-22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public," the Department of Housing and Urban Development (HUD) is issuing a public notice of its intent to conduct a recurring computer matching program with the USDA to utilize a computer information system of HUD, the Credit Alert Interactive Voice Response System (CAIVRS), with USDA's debtor files. In addition to HUD's data, the CAIVRS database includes delinquent debt information from the Departments of Education, Veterans Affairs, Justice and the Small Business Administration. This match will allow prescreening of applicants for debts owed or loans guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Federal Government for HUD or USDA direct or guaranteed loans.

Before granting a loan, the lending agency and/or the authorized lending institution will be able to interrogate the CAIVRS debtor file which contains the Social Security Numbers (SSNs) of HUD's delinquent debtors and defaulters and defaulted debtor records of the USDA and verify that the loan applicant is not in default or delinquent on direct or guaranteed loans of participating Federal programs of either agency. As a result of the information produced by this match, the authorized users may not deny, terminate, or make a final decision of any loan assistance to an applicant or take other adverse action against such applicant, until an officer or employee of such agency has independently verified such information.

**DATES:** *Effective Date:* Computer matching is expected to begin 30 days after publication of this notice in the **Federal Register** unless comments are received which will result in a contrary determination, or 40 days from the date a computer matching agreement is signed, whichever is later.

*Comments Due Date:* October 4, 2002.

**ADDRESSES:** 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.

Communications should refer to the above docket number and title. 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 PRIVACY ACT INFORMATION AND FOR FURTHER INFORMATION FROM RECIPIENT

**AGENCY CONTACT:** Jeanette Smith, Departmental Privacy Act Officer, Department of Housing and Urban Development, 451 7th Street SW, Room P8001, Washington, DC 20410, telephone number (202) 708-2374. (This is not a toll-free telephone number.)

#### FOR FURTHER INFORMATION FROM SOURCE

**AGENCY CONTACT:** Joyce Baumgartner, Debt/Credit Management Coordinator, U.S. Department of Agriculture, 14th and Independence Avenue, SW, Washington, DC 20250, telephone number (202) 720-1168. (This is not a toll-free number.)

*Reporting of Matching Program:* In accordance with Pub. L. 100-503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget Bulletin 89-22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public;" copies of this Notice and report are being provided to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget.

*Authority:* The matching program will be conducted pursuant to Pub. L. 100-503, "The Computer Matching and Privacy Protection Act of 1988," as amended, and Office of Management and Budget (OMB) Circular A-129 (Revised January 1993), Policies for Federal Credit Programs and Non-Tax Receivables. One of the purposes of all Executive departments and agencies—including HUD—is to implement efficient management practices for Federal credit programs. OMB Circular

A-129 was issued under the authority of the Budget and Accounting Act of 1921, as amended; the Budget and Accounting Act of 1950, as amended; the Debt Collection Act of 1982, as amended; and, the Deficit Reduction Act of 1984, as amended.

*Objectives to be Met by the Matching Program:* The matching program will allow USDA access to a system which permits prescreening of applicants for loans owed or guaranteed by the Federal Government to ascertain if the applicant is delinquent in paying a debt owed to or insured by the Government. In addition, HUD will be provided access to USDA's debtor data for prescreening purposes.

*Records to be Matched:* HUD will utilize its system of records entitled HUD/DEPT-2, *Accounting Records*. The debtor files for HUD programs involved are included in this system of records. HUD's debtor files contain information on borrowers and co-borrowers who are currently in default (at least 90 days delinquent on their loans); or who have any outstanding claims paid during the last three years on Title II insured or guaranteed home mortgage loans; or individuals who have defaulted on Section 312 rehabilitation loans; or individuals who have had a claim paid in the last three years on a Title I loan. For the CAIVRS match, HUD/DEPT-2, System of Records, receives its program inputs from HUD/DEPT-28, Property Improvement and Manufactured (Mobile) Home Loans—Default; HUD/DEPT-32, Delinquent/Default/Assigned Temporary Mortgage Assistance Payments (TMAP) Program; and HUD/CPD-1, Rehabilitation Loans-Delinquent/Default. The USDA will provide HUD with debtor files contained in its system of records entitled, Applicant/Borrower or Grantee File (USDA/FmHA-1). HUD is maintaining USDA's records only as a ministerial action on behalf of USDA, not as a part of HUD's HUD/DEPT-2 system of records. USDA's data contain information on individuals who have defaulted on their guaranteed loans. The USDA will retain ownership and responsibility for their system of records that they place with HUD. HUD serves only as a record location and routine use recipient for USDA's data.

*Notice Procedures:* HUD and the USDA will notify individuals at the time of application (ensuring that routine use appears on the application form) for guaranteed or direct loans that their records will be matched to determine whether they are delinquent or in default on a Federal debt. HUD and the USDA will also publish notices concerning routine use disclosures in

the **Federal Register** to inform individuals that a computer match may be performed to determine a loan applicant's credit status with the Federal Government.

*Categories of Records/Individuals Involved:* The debtor records include these data elements: SSN, claim number, program code, and indication of indebtedness. Categories of records include: records of claims and defaults, repayment agreements, credit reports, financial statements, and records of foreclosures. Categories of individuals include: former mortgagors and purchasers of HUD-owned properties, manufactured (mobile) home and home improvement loan debtors who are delinquent or in default on their loans, and rehabilitation loan debtors who are delinquent or in default on their loans.

*Period of the Match:* Matching is expected to begin at least 40 days from the date copies of the signed (by both Data Integrity Boards) computer matching agreements are sent to both Houses of Congress or at least 30 days from the date this Notice is published in the **Federal Register**, whichever is later, providing no comments are received which would result in a contrary determination. The matching program will be in effect and continue for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other in writing to terminate or modify the agreement.

Dated: August 16, 2002.

**Gloria R. Parker,**

*Chief Technology Officer.*

[FR Doc. 02-22528 Filed 9-3-02; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### Notice of the Proposed Appointment of Cloyce V. Choney to the National Indian Gaming Commission

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Notice.

**SUMMARY:** The Indian Regulatory Act provides for a three-person National Indian Gaming Commission. One member, the chairman, is appointed by the President with the advice and consent of the Senate. Two associate members are appointed by the Secretary of the Interior. Before appointing members, the Secretary is required to provide the public notice of a proposed appointment and allow for a comment period. Notice is hereby given of the proposed appointment of Cloyce V.

Choney as an associate member of the National Indian Gaming Commission.

**DATES:** Comments must be received before or on October 4, 2002.

**ADDRESSES:** Comments should be submitted to the Director, Office of Executive Secretariat, United States Department of the Interior, 1849 C Street, NW., Mail Stop 7229, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Robert Moll, Assistant Solicitor, Division of General Law, Branch of General Legal Services, United States Department of the Interior, 1849 C Street, NW., Mail Stop 6531, Washington, DC 20240; telephone 202-208-5216.

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act, 25 U.S.C. 2701 *et seq.* establishes the National Indian Gaming Commission (Commission), composed of three full-time members; a chairman and two associate members. 25 U.S.C. 2704(b). Commission members serve for a term of three years. 25 U.S.C. 2704(b)(2)(4)(A). The chairman is appointed by the President with the advice and consent of the Senate. 25 U.S.C. 2704(b)(1)(A). The two associate members are appointed by the Secretary of the Interior. 25 U.S.C. 2704(b)(1)(B). Before appointing an associate member to the Commission, the Secretary is required to "publish in the **Federal Register** the name and other information the Secretary deems pertinent regarding a nominee for membership on the Commission and \* \* \* allow a period of not less than thirty days for receipt of public comment." 25 U.S.C. 2704(b)(2)(B). Notice is hereby given of the proposed appointment of Cloyce V. Choney as an associate member of the Commission for a term of three years.

Cloyce V. Choney is well qualified to serve as a member of the Commission. From 1976 to 2001, Mr. Choney served as a Special Agent for the Federal Bureau of Investigation. During this time he handled a variety of cases involving civil rights, fraud, organized and white collar crime, and bank robbery investigation. He also served as Chair of the Native American/Alaska People Advisory Committee and was awarded several Federal Bureau of Investigation commendations, including the Director's Award for Excellence in 2001. In 2002, Mr. Choney became the Chief Executive Officer for Indian Territory Investigations. In that capacity, Mr. Choney is responsible for business development, reporting, and supervision of day-to-day activities related to the company's function of pre-employment background

investigations. Between 1969 and 1975, Mr. Choney served in the United States Army, where he earned the rank of Captain. Mr. Choney has been a member of the National Native American Law Enforcement Association, and he served as its president from 1996-1997.

Mr. Choney is a member of the Comanche Nation of Oklahoma. He is also a member of the Kiowa Black Leggings Society and the Comanche War Scouts. He received a Bachelor of Science in Military Science from Oklahoma State University in 1968.

Cloyce V. Choney does not appear to have any financial interests that would make him ineligible to serve on the Commission under 25 U.S.C. 2704(b)(5)(B).

Any person wishing to submit comments on this proposed appointment may submit written comments to the address listed above. Comments must be received by October 4, 2002.

Dated: August 28, 2002.

**Roderick Walston,**

*Deputy Solicitor.*

[FR Doc. 02-22412 Filed 9-3-02; 8:45 am]

BILLING CODE 7565-01-M

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### Proposed Appointment of Nelson W. Westrin to the National Indian Gaming Commission

**AGENCY:** Office of the Secretary, Interior.  
**ACTION:** Notice.

**SUMMARY:** The Indian Regulatory Act provides for a three-person National Indian Gaming Commission. One member, the chairman, is appointed by the President with the advice and consent of the Senate. Two associate members are appointed by the Secretary of the Interior. Before appointing members, the Secretary is required to provide the public notice of a proposed appointment and allow for a comment period. Notice is hereby given of the proposed appointment of Nelson W. Westrin as an associate member of the National Indian Gaming Commission.

**DATES:** Comments must be received before or on October 4, 2002.

**ADDRESSES:** Submit comments to the Director, Office of Executive Secretariat, United States Department of the Interior, 1849 C Street, NW, Mail Stop 7229, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Robert Moll, Assistant Solicitor, Division of General Law, Branch of