

### A. Income Verification

Any match (i.e., a "hit") will be further reviewed by HUD, the POAs, or the HUD Office of Inspector General (OIG) to determine whether the income reported by tenants to the program administrator is correct and complies with HUD and program administrator requirements. Specifically, current or prior SS and SSI benefit information and other data will be sought directly from tenants. For public housing and Section 8 tenant-based HCV programs, tenants will be required to provide PHAs with original SSA benefit verification letters dated within the last 60 days for comparison to computer matching results for accuracy. For multifamily housing programs, tenants must provide O/As with SSA benefit verification letters dated within the last 120 days. For SS and SSI benefit information for prior years, the tenant may be required to provide POAs with an original benefit history document from SSA if there is a dispute regarding historical income information obtained through the computer matching program.

### B. Administrative or Legal Actions

Regarding all the matching described in this notice, POAs will take appropriate action in consultation with tenants to: (1) Resolve income disparities between tenant-reported and SSA-reported data; and (2) Use correct income amounts in determining rental assistance.

POAs must compute the rent in full compliance with all applicable statutes, regulations and administrator policies. POAs must ensure that they use the correct income and correctly compute the rent. In order to protect any individual whose records are used in this matching program, POAs may not suspend, terminate, reduce, or make a final denial of any rental assistance to any tenant, or take other adverse action against the tenant as a result of information produced by this matching program until: (a) The tenant has received notice from the POA of its findings and has been informed of the opportunity to contest such findings; (b) The POA has independently verified the information; and (c) either the notice period provided in applicable regulations of the program, or 30 days, whichever is later, has expired. "Independently verified" in item (b) means the specific information relating to the tenant that is used as a basis for an adverse action has been investigated and confirmed by the POA. (5 U.S.C. 552a) As such, POAs must resolve income discrepancies in consultation

with tenants. Additionally, serious violations, which POAs, HUD Program staff, or the HUD OIG verify, should be referred for full investigation and appropriate civil and/or criminal proceedings.

With respect to SSA-provided error messages regarding HUD-provided tenant, and matched borrower or co-borrower personal identifiers, the POA and FHA administrator/agent will confirm its file and system documentation to confirm accuracy of data elements, and make any necessary corrections. If there is no error in the documentation, the POAs and FHA administrators/agents will notify the individual of the error and request that the individual contact the SSA to correct any SSA data errors. POAs and FHA administrators/agents cannot correct such errors.

### V. Records To Be Matched

SSA will conduct the matching of tenant SSNs and additional identifiers (surnames and dates of birth) to tenant data that HUD supplies from its systems of records known as the *Tenant Rental Assistance Certification System* (TRACS) (HUD/H-11) and the *Inventory Management System* (IMS), formerly the *Public and Indian Housing Information Center* (PIC) (HUD/PIH-4). Program administrators utilize the form HUD-50058 module within the IMS system and the form HUD-50059 module within the TRACS to provide HUD with the tenant data.

SSA will match the tenant records included in HUD/H-11 and HUD/PIH-4 to their systems of records known as SSA's *Master Files of Social Security Number Holders*, and *SSN Applications* (60-0058), *Master Beneficiary Record* (60-0090), and *Supplemental Security Income Record* (60-103). The notice for these systems was published at 71 FR 1795 on January 11, 2006. HUD will place the resulting matched data into its *Enterprise Income Verification (EIV) system* (HUD/PIH-5). The notice for this system was initially published at 70 FR 41780 on July 20, 2005, and amended on September 1, 2009 (74 FR 45235) to reflect changes in the following categories (sections): Categories of Individuals Covered by the System, Categories of Records in the System, Purposes of the System, and Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Users. The tenant records (one record for each family member) include these data elements: full name, SSN, and date of birth.

HUD data will also be matched to the SSA's *Master Files of Social Security Number Holders*, and *SSN Applications*

(60-0058) for the purpose of validating SSNs of borrowers and co-borrowers of FHA mortgages and participants of HUD rental assistance programs to identify noncompliance with program eligibility requirements. The Computerized Homes Underwriting Management System (HUD/H-5), published at 57 FR 62142 on December 29, 1997 is the HUD FHA system of records used to match data transferred from SSA's Master Files of Social Security Number Holder and SSN Applications (60-0058) to the HUD mainframe. Mortgagees enter SSN data and review the returning verification/failure data through the FHA Connection. HUD will compare tenant SSNs provided by POAs to reveal duplicate SSNs and potential duplicate rental assistance.

### VI. Period of the Match

The computer matching program will be conducted according to the computer matching agreement between HUD and the SSA. The computer matching agreement for the planned matches will terminate either when the purpose of the computer matching program is accomplished, or 18 months from the date the original agreement was signed, whichever comes first. The agreement may be extended for one 12-month period, with the mutual agreement of all involved parties, if the following conditions are met:

(1) Within three months of the expiration date, all Data Integrity Boards review the agreement, find that the program will be conducted without change, and find a continued favorable examination of benefit/cost results; and (2) All parties certify that the program has been conducted in compliance with the agreement.

The agreement may be terminated, prior to accomplishment of the computer matching purpose or 18 months from the date the agreement is signed (whichever comes first), by the mutual agreement of all involved parties within 30 days of written notice.

Dated: March 25, 2010.

**Jerry E. Williams,**  
Chief Information Officer.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Renewal of Agency Information Collection for Tribal Energy Resource Agreements; Comment Request

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of submission to the Office of Management and Budget.

**SUMMARY:** As required by the Paperwork Reduction Act, the Office of Indian Energy and Economic Development (IEED), in the Office of the Assistant Secretary—Indian Affairs, is submitting the information collection titled “Tribal Energy Resource Agreements (TERAs)” to the Office of Management and Budget (OMB) for renewal. The information collection is currently authorized by OMB Control Number 1076–0167, which expires March 31, 2010. The information collection requires Indian tribes interested in entering into a TERA or who already have a TERA to provide certain information, including information as part of the application for, and implementation, reassumption, and rescission of the TERA.

**DATES:** Interested persons are invited to submit comments on or before April 30, 2010.

**ADDRESSES:** You may submit comments on the information collection to the Desk Officer for Department of the Interior at the Office of Management and Budget, by facsimile to (202) 395–5806 or you may send an e-mail to:

*OIRA DOCKET@omb.eop.gov*. Please send a copy of your comments to Darryl Francois, Department of the Interior, Office of Indian Energy and Economic Development, Room 20—South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20245, fax (202) 208–4564; e-mail: *Darryl.Francois@bia.gov*.

**FOR FURTHER INFORMATION CONTACT:** Darryl Francois, Department of the Interior, Office of Indian Energy and Economic Development, Room 20—South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20245, fax (202) 208–4564; e-mail: *Darryl.Francois@bia.gov*, telephone (202) 219–0740.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

The Energy Policy Act of 2005 (Pub. L. 109–58) authorizes the Secretary to approve individual TERAs. The intent of these agreements is to promote tribal oversight and management of energy and mineral resource development on tribal lands and further the goal of Indian self-determination. A TERA offers a tribe an alternative for developing energy-related business agreements and awarding leases and granting rights-of-way for energy facilities without having to obtain further approval from the Secretary.

This information collection conducted under TERA regulations at

25 CFR part 224 will allow IEED to determine the capacity of tribes to manage the development of energy resources on tribal lands. Information collected:

- Enables IEED to engage in a consultation process with tribes that is designed to foster optimal pre-planning of development proposals and speed up the review and approval process for TERA agreements;
- Provides wide public notice and opportunity for review of TERA agreements by the public, industry, and government agencies;
- Ensures that the public has an avenue for review of the performance of tribes in implementing a TERA;
- Creates a process for preventing damage to sensitive resources as well as ensuring that the public has fully communicated with the tribe in the petition process;
- Ensures that a tribe is fully aware of any attempt by the Department of the Interior to resume management authority over energy resources on tribal lands; and
- Ensures that the tribal government fully endorses any relinquishment of a TERA.

##### **II. Request for Comments**

IEED requests that you send your comments on this collection to the location listed in the **ADDRESSES** section. Your comments should address: (a) The necessity of the information collection for the proper performance of the agencies, including whether the information will have practical utility; (b) the accuracy of our estimate of the burden (hours and cost) of the collection of information, including the validity of the methodology and assumptions used; (c) ways we could enhance the quality, utility and clarity of the information to be collected; and (d) ways we could minimize the burden of the collection of the information on the respondents, such as through the use of automated collection techniques or other forms of information technology.

Please note that an agency may not sponsor or conduct, and an individual need not respond to, a collection of information unless it has a valid OMB Control Number. Response to the information collection is required to obtain a benefit.

It is our policy to make all comments available to the public for review at the following location, during the hours of 9 a.m.–5 p.m., Eastern Daylight Savings Time, Monday through Friday except for legal holidays: Department of the Interior, Office of Indian Energy and Economic Development, Room 20—South Interior Building, 1951

Constitution Avenue, NW., Washington, DC 20245. Before including your address, phone number, e-mail address or other personally identifiable information, be advised that your entire comment—including your personally identifiable information—may be made public at any time. While you may request that we withhold your personally identifiable information, we cannot guarantee that we will be able to do so.

OMB has up to 60 days to make a decision on the submission for renewal, but may make the decision after 30 days. Therefore, to receive the best consideration of your comments, you should submit them closer to 30 days than 60 days.

##### **III. Data**

*OMB Control Number:* 1076–0167.

*Title:* Tribal Energy Resource Agreements, 25 CFR Part 224.

*Brief Description of Collection:*

Submission of this information is required for Indian tribes to apply for, implement, reassume, or rescind a TERA that has been entered into in accordance with the Energy Policy Act of 2005 and 25 CFR part 224. This collection also requires the tribe to notify the public of certain actions. Response is required to obtain a benefit.

*Type of Review:* Extension without change of a currently approved collection.

*Respondents:* Indian tribes.

*Number of Respondents:* 14 (4 applicant tribes and 10 tribes with a TERA).

*Frequency of Response:* On occasion.

*Total Number of Responses:* 34.

*Estimated Time per Response:* Ranges from 32 hours to 1,080 hours.

*Estimated Total Annual Burden:* 10,752 hours.

*Estimated Nonhour Cost Burden:* \$48,200.

**Alvin Foster,**

*Acting Chief Information Officer—Indian Affairs.*

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#### **DEPARTMENT OF THE INTERIOR**

##### **Bureau of Indian Affairs**

##### **Renewal of Agency Information Collection for Navajo Partitioned Lands Grazing Permits; Request for Comments**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of submission to the Office of Management and Budget.