

BILLING CODE: 5001-06

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: DoD-2021-DA-XXXX]

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD

ACTION: Notice of modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Defense (DoD) is modifying and reissuing an Army system of records titled, “Homeowners Assistance Case Files, A0405-10q CE”. This system of records was originally established by the Army to process applications for The Homeowners Assistance Program benefits and consider appeals; to review market studies and appraisals; to review final title assemblies of deeds of conveyance to the Government for properties acquired under the program. This system of records notice (SORN) is being updated with current SORN procedures and practices.

DATES: This system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments.

* Mail: DoD cannot receive written comments at this time due to the COVID-19 pandemic.

Comments should be sent electronically to the docket listed above.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Luton, Department of the Army, Records Management Directorate, Attention: Army Privacy and Civil Liberties Office, 9301 Chapek Road (Building 1458), Fort Belvoir, VA 22060-5605, or by calling (571) 515-0213.

SUPPLEMENTARY INFORMATION:

I. Background

The Homeowners Assistance Case Files, A0405 10q CE, system of records is used to process applications for the Homeowners Assistance Program benefits from members of the United States military, Federal Civilian employees, and surviving spouses of otherwise eligible but deceased members of the United States military or federal civilian employees who incur losses in real estate and to consider appeals; to review market studies and appraisals; and to review final title assemblies of deeds of conveyance to the Government for properties acquired under the Homeowners Assistance Program. Subject to public comment, the DoD proposes to update this SORN to add the standard DoD routine uses (routine uses A through I) and to allow for additional disclosures outside DoD related to the purpose of this system of records.

Additionally, the following sections of this SORN are being modified as follows: name, location, category of records, authority, purpose, routine uses, storage, retrievability, safeguards, retention

and disposal, system manger and address, notification and record access procedures, and procedures, to be up to date with current SORN procedures and practices.

DoD SORNs have been published in the Federal Register and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties, and Transparency Division website at <https://dpcl.d.defense.gov>.

II. Privacy Act

Under the Privacy Act, a “system of records” is a group of records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined as a U.S. citizen or lawful permanent resident.

In accordance with 5 U.S.C. 552a(r) and OMB Circular No. A-108, DPCLTD has provided a report of this system of records to the Office of Management and Budget (OMB) and to Congress.

Dated:

Aaron T. Siegel,
Alternate OSD Federal Register
Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER: Homeowners Assistance Program Files, A0405 10q CE.

SECURITY CLASSIFICATION: Unclassified

SYSTEM LOCATION: Chief of Engineers, Headquarters, Department of the Army, 441 G Street, NW, Washington, DC 20314-1000. Attention: CEMP-CR. Army Corps of Engineers Division and District Offices official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

SYSTEM MANAGER: The system manager is: Program Manager, Homeowners Assistance Program, 441 G. Street, NW, Washington DC 20314-1000, (202) 761-0579.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1013, Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754, Indian Affairs: Laws and Treaties, 80 Stat. 1290 (1966), 42 U.S.C. 3374, Acquisition Of Property At Or Near Military Bases Which Have Been Ordered To Be Closed And Certain Property Owned By Members Of The Armed Forces, Department Of Defense And United States Coast Guard Civilian Employees, And Surviving Spouses, as amended; and E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM:

- A. To process applications for Homeowners Assistance Program benefits from members of the United States military, Federal Civilian employees, and surviving spouses of otherwise eligible but deceased members of the United States military or federal civilian employees who incur losses in real estate and to consider appeals,
- B. To review market studies and appraisals,
- C. To review final title assemblies of deeds of conveyance to the Government for properties acquired under the program.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Eligible federal civilian employees, members of the United States military services, or surviving spouses of otherwise eligible but deceased civilian employees or members of the United States military, and other individuals identified as a point of contact by the applicant who submit personal and financial information to apply for homeowners assistance benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on applicants requesting homeowners assistance benefits, including applicant's name, Social Security Number, property address, personal email address, and home phone number; spouse's name, Social Security Number, and personal email address; employment verification; income and expense figures; information concerning offer to sell real property or similar written offer; negotiator's report; title evidence and opinions; surveys, leases; Certificate of Inspection and Possession; Payment and Closing Sheet and Receipt for US Treasurer's check; market impact data; insurance and tax data; Disclaimer by Person of Possession; DD Form 1607 (Application for Homeowners' Assistance); Federal Housing Administration (FHA) Form 1174 (Transmittal of Recorded Deed and Title Assembly-Military Acquisition); appraisal reports, appraisal price, purchase price, benefits, docket sheets, questionnaires, copies of deeds and mortgages, mortgage settlement data, evidence of proof of ownership and occupancy of residence, applicant appeals and final decisions thereon, comparable forms and related correspondence.

RECORD SOURCE CATEGORIES: Records and information stored in this system of records are obtained directly from the Homeowners Assistance Program applicant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND PURPOSES OF SUCH USES: In addition to those

disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, all or a portion of the records or information contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government when necessary to accomplish an agency function related to this system of records.

B. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.

C. To any component of the Department of Justice for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.

D. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the DoD or other Agency representing the DoD determines that the records are relevant and necessary to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

E. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

F. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

G. To appropriate agencies, entities, and persons when (1) the DoD suspects or confirms a breach of the system of records; (2) the DoD determines as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

H. To another Federal agency or Federal entity, when the DoD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

I. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

J. Department of Housing and Urban Development/FHA when assuming custody of acquired homes, to manage and dispose of such properties on behalf of the Secretary of Defense.

K. FHA/Department of Veterans Affairs in accepting subsequent purchaser in private sales when property is encumbered by a mortgage loan guaranteed or insured by them.

L. Department of Justice to review final title and deeds of conveyance to the Government for properties acquired under the program, pursuant to their responsibilities under Pub L. 91-393.

M. Internal Revenue Service (IRS) to determine tax liability for sale of property to the Government.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records may be stored electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, or digital media; in agency-owned cloud environments; or in vendor Cloud Service Offerings certified under the Federal Risk and Authorization Management Program (FedRAMP).

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: Records may be retrieved by the applicant's name; Social Security Number; application number; street address; city; state; type of employment i.e. civilian or armed services member; and installation name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Homeowner assistance case files are destroyed 10 years after final action or decision on appeals, as applicable; Homeowner assistance progress report files are destroyed after case closed or until no longer needed for business but not longer than 6 years after case closed then destroyed and; supervisory files are destroyed when no longer required for current operations or 1 year after case closed, then destroyed.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS: The DoD safeguards records in this system of records according to applicable rules, policies, and procedures, including all applicable DoD automated systems security and access policies. DoD policies require the use of controls to minimize the risk of compromise of personally identifiable information (PII) in paper and electronic form and to enforce access by those with a need to know and with appropriate clearances. Additionally, the DoD established security audit and accountability policies and procedures which support the safeguarding of PII and detection of potential PII incidents. The DoD routinely employs safeguards such as the following to information systems and paper recordkeeping systems: Multifactor log-in authentication

including Common Access Card (CAC) authentication and password; Secret Internet Protocol Router (SIPR) token as required; physical and technological access controls governing access to data; network encryption to protect data transmitted over the network; disk encryption securing disks storing data; key management services to safeguard encryption keys; masking of sensitive data as practicable; mandatory information assurance and privacy training for individuals who will have access; identification, marking, and safeguarding of PII; physical access safeguards including multifactor identification physical access controls, detection and electronic alert systems for access to servers and other network infrastructure; and electronic intrusion detection systems in DoD facilities.

RECORD ACCESS PROCEDURES: Individuals seeking access to their records should address written inquiries to the Chief of Engineers, Headquarters, Department of the Army, ATTN: CEMP-CR, 441 G Street, NW, Washington, DC 20314-1000. Signed written requests should contain their full name, current address and telephone number, and signature. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the appropriate format:

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

CONTESTING RECORD PROCEDURES: The DoD rules for accessing records, contesting contents, and appealing initial Component determinations are contained in 32 CFR part 310, or may be obtained from the system manager.

NOTIFICATION PROCEDURES: Individuals seeking to determine whether information about themselves is contained in this system of records should follow the instructions for Record Access Procedures above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: Homeowners Assistance Case Files (April 28, 1993, 58 FR 25818)