

**§ 982.552 PHA denial or termination of assistance for family.**

\* \* \* \* \*

(e) *Applicant screening.* The PHA may at any time deny program assistance for an applicant in accordance with the PHA policy, as stated in the PHA administrative plan, on screening of applicants for family behavior or suitability for tenancy.

10. On page 26651, in the second and third columns, § 982.623 is corrected as follows:

- a. Remove paragraph (a);
- b. Redesignate paragraphs (b) and (c) as paragraphs (a) and (b), respectively;
- c. Add paragraph (a)(3); and
- c. Revise newly designated paragraph (b)(1).

**§ 982.623 Manufactured home space rental: Housing assistance payment.**

\* \* \*

(3) *Amortization cost.* (i) The amortization cost may include debt service to amortize cost (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the PHA determines that furniture was not included in the purchase price.

(ii) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home is not included in amortization cost.

(iii) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.

(b) *Housing assistance payment for voucher tenancy.* (1) There is a separate FMR for a family renting a manufactured home space. The FMR for a manufactured home space is determined in accordance with § 888.113(e) of this title. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit (see FMR notices published by HUD pursuant to part 888).

\* \* \* \* \*

Dated: September 8, 1999.

**Harold Lucas,***Assistant Secretary for Public and Indian Housing.*

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**DEPARTMENT OF JUSTICE****28 CFR Part 68****[EOIR No. 116F; A.G. ORDER No. 2255-99]****RIN 1125-AA17**

**Office of the Chief Administrative Hearing Officer; Executive Office for Immigration Review; Rules of Practice and Procedure for Administrative Hearings Before Administrative Law Judges in Cases Involving Allegations of Unlawful Employment of Aliens, Unfair Immigration-Related Employment Practices, and Document Fraud**

**AGENCY:** Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule adopts the interim rule of the Office of the Chief Administrative Hearing Officer (OCAHO), published February 12, 1999, at 64 FR 7066. This final rule amends the regulations of OCAHO pertaining to employer sanctions, unfair immigration-related employment practice cases, and immigration-related document fraud. The final rule implements various provisions of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Debt Collection Improvement Act of 1996, makes various other changes to the OCAHO's procedural regulations, and sets forth clerical and technical corrections to the interim rule.

**DATES:** This final rule is effective September 14, 1999.

**FOR FURTHER INFORMATION CONTACT:** Charles Adkins-Blanch, Acting General Counsel, Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, Virginia 22041, telephone number (703) 305-0470.

**SUPPLEMENTARY INFORMATION:** The IIRIRA, enacted on September 30, 1996, amends the employer sanctions, unfair immigration-related employment practices and document fraud sections of the Immigration and Nationality Act (INA) in several ways (sections 274A, 274B, and 274C of the INA, respectively). The Debt Collection Improvement Act of 1996, Public Law

104-134, Title III ("Debt Collection Improvement Act"), 110 Stat. 1321, 1321-1358 (1996), mandates that the civil penalties in each of these three sections of the INA be adjusted to reflect inflation. In addition, the OCAHO examined its regulations and made various changes perceived as necessary in light of case-by-case experiences since the 1991 amendments to its regulations. On February 12, 1999, the Department of Justice published an interim rule containing changes to the OCAHO's regulations designed to make the regulations comport with one of the aforementioned statutes, clarify any existing ambiguity, and similarly contribute to the fair and efficient administration of sections 274A, 274B, and 274C of the INA. Although comments were requested, none were received. Accordingly, the changes to the regulations, previously published as an interim rule, are now adopted as a final rule with technical corrections.

**Need for Correction**

Upon further review of the interim rule, the OCAHO is making certain clerical and technical corrections. These corrections are purely technical and non-substantive, and do not impose new requirements.

In the heading and introductory text of § 68.33(c), the final rule replaces the word "respondents" with the phrase "parties other than the Department of Justice." This technical correction is necessary as complainants in cases arising under section 274B of the INA may be individuals or entities other than the Department of Justice. In § 68.33(c)(3)(iii), the word "finds" was inadvertently omitted. The final rule corrects this clerical omission. All other corrections are for punctuation.

**Unfunded Mandates Reform Act of 1995**

This rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

**Small Business Regulatory Enforcement Fairness Act of 1996**

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100,000,000 or

more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based companies to compete with foreign-based companies in domestic and export markets.

#### Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule does not have a significant economic impact on a substantial number of small entities. No additional costs will be incurred as a result of this rule.

#### Executive Order 12866

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12866, and accordingly this rule has not been reviewed by the Office of Management and Budget.

#### Executive Order 12612

This rule has no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

#### Executive Order 12988

This complies with the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988

#### List of Subjects in 28 CFR Part 68

Administrative practices and procedure, Aliens, Citizenship and naturalization, Civil rights, Discrimination in employment, Employment, Equal employment opportunity, Immigration, Nationality, Non-discrimination.

Accordingly, the interim rule amendment 28 CFR Part 68 which was published at 64 FR 7066 on February 12, 1999, is adopted as a final rule with the following corrections:

#### PART 68—RULES OF PRACTICE AND PROCEDURE FOR ADMINISTRATIVE HEARINGS BEFORE ADMINISTRATIVE LAW JUDGES IN CASES INVOLVING ALLEGATIONS OF UNLAWFUL EMPLOYMENT OF ALIENS, UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES, AND DOCUMENT FRAUD

1. The authority citation for part 68 continues to read as follows:

**Authority:** 5 U.S.C. 301, 554; 8 U.S.C. 1103, 1324a, 1324b, and 1324c.

2. In § 68.2, remove the period at the end of the sentence defining "Unfair immigration-related employment practice cases" and add, in its place, a

semicolon. Remove the semicolon at the end of the sentence defining "Unlawful employment cases" and add, in its place, a period.

3. In § 68.33, revise paragraph (c) heading and introductory text, and paragraph (c)(3)(iii) to read as follows:

#### § 68.33 Participation of parties and representation.

(c) *Representation for parties other than the Department of Justice.* Persons who may appear before the Administrative Law Judges on behalf of parties other than the Department of Justice include:

\* \* \* \* \*

(3) \* \* \*

(iii) *Denial of authority to appear.* Except as provided in paragraph (c)(3)(iv) of this section, the Administrative Law Judge may enter an order denying the privilege of appearing to any individual who the Judge finds does not possess the requisite qualifications to represent others; is lacking in character or integrity; has engaged in unethical or improper professional conduct; or has engaged in an act involving moral turpitude.

\* \* \* \* \*

4. In § 6852, paragraph (c)(5), remove the comma after the phrase "on or after March 15, 1999" the second time it appears.

Dated: September 4, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-23842 Filed 9-13-99; 8:45 am]

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## DEPARTMENT OF DEFENSE

### Defense Security Service

#### 32 CFR Part 321

[Defense Security Service Reg. 01-13]

#### Defense Security Service Privacy Program

**AGENCY:** Defense Security Service, DOD.  
**ACTION:** Final rule, with comments.

**SUMMARY:** The Defense Investigative Service (DIS) has changed its name to the 'Defense Security Service (DSS)'. This agency name change demands administrative updates to 32 CFR part 321. Therefore, DIS is being changed to DSS throughout the rule, addresses are being updated, and two exemption rules are being consolidated into one rule.  
**EFFECTIVE DATE:** September 14, 1999. However, comments received on or before October 14, 1999, will be considered by this agency.

**FOR FURTHER INFORMATION CONTACT:** Mr. Leslie Blake (703) 325-9450.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866, 'Regulatory Planning and Review'

It has been determined that 32 CFR part 321 is not a significant regulatory action. The rule does not:

(1) Have an annual effect to the economy of \$100 million or more; or adversely affect in a material way the economy; a section of the economy; productivity; competition; jobs; the environment; public health or safety; or state, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof;

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

#### Public Law 96-354, 'Regulatory Flexibility Act' (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

#### Public Law 96-511, 'Paperwork Reduction Act' (44 U.S.C. Chapter 35)

It has been certified that this part does not impose any reporting or record keeping requirements under the Paperwork Reduction Act of 1995.

#### List of Subjects in 32 CFR Part 321

Privacy.

Accordingly, 32 CFR part 321 is revised to read as follows:

#### PART 321—DEFENSE SECURITY SERVICE PRIVACY PROGRAM

Sec.

321.1 Purpose and applicability.

321.2 Definitions.

321.3 Information and procedures for requesting notification.

321.4 Requirements for identification.

321.5 Access by subject individuals.

321.6 Medical records.

321.7 Request for correction or amendment.

321.8 DSS review of request for amendment.

321.9 Appeal of initial amendment decision.

321.10 Disclosure to other than subject.

321.11 Fees.

321.12 Penalties.

321.13 Exemptions.

321.14 DSS implementation policies.