

complaint of discrimination with your agency. See, e.g., 29 CFR part 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor, as noted above, or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on sexual orientation, marital status, protected genetic information or political affiliation, you may (a) File a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below) or (b) pursue a discrimination complaint by contacting a DHS Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action or (c) file a grievance through the DHS administrative or negotiated grievance procedures, if such procedures apply and are available.

Whistleblower Protection Laws

A Federal employee—including a DHS employee—with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of: law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC-11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036-4505 or online through the OSC Web site—<http://www.osc.gov>.

Retaliation for Engaging in Protected Activity

A Federal employee, including a DHS employee, may not retaliate against an employee or applicant for employment because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you

believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, DHS retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws, up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), DHS must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits DHS to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Additional Information

For further information regarding the No FEAR Act regulations, refer to 5 CFR Part 724, as well as the DHS Office for Civil Rights and Civil Liberties. Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—<http://www.eeoc.gov> and the OSC Web site—<http://www.osc.gov>.

Existing Rights Unchanged

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Daniel W. Sutherland,

Officer for Civil Rights and Civil Liberties.

[FR Doc. E9-376 Filed 1-12-09; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of removal of a Privacy Act system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate the following Privacy Act system of records notice, Justice/INS-025 Worksite Enforcement Activity Record and Index, October 17, 2002, into an existing Department of Homeland Security Immigration and Customs Enforcement system of records notice, External Investigations Records, December 11, 2008.

DATES: *Effective Date:* February 12, 2009.

FOR FURTHER INFORMATION CONTACT:

Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (703) 235-0780 or facsimile 703-483-2999.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is giving notice that it proposes to consolidate the following Privacy Act system of records notice, Justice/INS-025 Worksite Enforcement Activity Record and Index (67 FR 64136 October 17, 2002) into an existing DHS Immigration and Customs Enforcement (ICE) system of records, External Investigations Records, (73 FR 75452 December 11, 2008).

DHS inherited this records system upon its creation in January of 2003. Upon review of its inventory of record systems, DHS has determined that it should be consolidated into the existing DHS ICE External Investigation system of records.

Justice/INS-025 Worksite Enforcement Activity Record and Index was originally established to administer and enforce the employment control provisions of the Immigration and Nationality Act and related criminal statutes. Additionally, the system was used to monitor and evaluate information contained on I-9 forms under inspection. The data collected by ICE pursuant to these activities are now covered by the External Investigations system of records.

Consolidating this system of records notice will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

Dated: January 5, 2009.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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BILLING CODE 4410-10-P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of removal of a Privacy Act system of records notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to consolidate the following Privacy Act system of records notice, FEMA/CGC-1, August 28, 2000, into an existing Department of Homeland Security system of records notice, DHS/ALL-013 Department of Homeland Security Claims Records, October 28, 2008.

DATES: *Effective Date:* February 12, 2009.

FOR FURTHER INFORMATION CONTACT:

Hugo Teufel III, Chief Privacy Officer, Department of Homeland Security, Washington, DC 20528, by telephone (703) 235-0780 or facsimile 703-483-2999.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is giving notice that it proposes to consolidate the following Privacy Act system of records notice, FEMA/CGC-1 (65 FR 52116 August 28, 2000) into an existing Department of Homeland Security system of records notice, DHS/ALL-013 Department of Homeland Security Claims Records (73 FR 63987 October 28, 2008).

DHS inherited this records system upon its creation in January of 2003. Upon review of its inventory of record systems, DHS has determined that it should be consolidated into DHS/ALL-013 Department of Homeland Security Claims Records (73 FR 63987 October 28, 2008).

DHS is consolidating FEMA/CGC-1 (65 FR 52116 August 28, 2000), Cerro Grande Fire Assistance Claim Files. This system was originally established to expeditiously consider and settle claims for injuries suffered as a result of the Cerro Grande Fire.

Consolidating this system of records notice will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

Dated: January 5, 2009.

Hugo Teufel III,

Chief Privacy Officer, Department of Homeland Security.

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5264-D-01]

Redelegation of Authority for Office of Public and Indian Housing

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice to redelegate authority.

SUMMARY: Through this notice, the Assistant Secretary for Public and Indian Housing retains and redelegates certain authority to the Deputy Assistant Secretaries of the Office of Public and Indian Housing (PIH).

DATES: *Effective Date:* December 24, 2008.

FOR FURTHER INFORMATION CONTACT:

Linda Bronsdon, AICP, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4116, Washington, DC 20410-5000, telephone number 202-708-0713. (This is not a toll-free number.) Hearing-or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION: Section 7(d) of the Department of Housing and Urban Development (HUD) Act, as amended (42 U.S.C. 3535(d)), provides authority to the Secretary to delegate functions, powers and duties as the Secretary deems necessary. In the Consolidated Delegation of Authority for PIH, published on August 4, 2004, at 69 FR 47171, the Secretary of HUD delegated authority to the Assistant Secretary for PIH and authorized the Assistant Secretary to redelegate authority for the administration of certain PIH programs.

Section A. Authority Redelegated

The Assistant Secretary for PIH redelegates to Deputy Assistant Secretaries for PIH the power and authority of the Assistant Secretary for PIH to administer the following:

1. Programs under the jurisdiction of the Secretary that are carried out pursuant to the authority transferred from the Public Housing Administration under Section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534) as amended;

2. Each program of the Department that is authorized pursuant to the United States Housing Act of 1937 (1937 Act) (42 U.S.C. 1437 *et seq.*) as amended, including but not limited to the Public Housing program, Section 8 programs (except the following Section 8 Project-Based programs: New Construction, Substantial Rehabilitation, Loan Management Set-Aside and Property Disposition) and predecessor programs that are no longer funded but have ongoing commitments;

3. PIH programs for which assistance is provided for or on behalf of public housing agencies (PHAs), public housing residents or other low-income households; and

4. PIH programs for which assistance is provided for or on behalf of Native Americans, Indian tribes, Alaska Native Villages, Native Hawaiians, tribal entities, tribally designated housing entities, or tribal housing resident organizations, as defined in Section G.

Section B. Authority Excepted

The redelegation of authority to the Deputy Assistant Secretaries does not include any power or authority under law specifically required of either the Secretary of HUD or the Assistant Secretary of PIH. Authority excepted includes:

1. Issue or waive regulations, including waivers pursuant to Section 982.161(c) of title 24 of the Code of Federal Regulations which permits HUD field offices to act on waivers of conflict of interests. Public Housing Field Office Directors are to not exercise this authority;

2. Issue notices to clarify regulations;

3. Issue Notices of Funding Availability (NOFAs), handbooks, notices and other HUD policy directives;

4. Waive any provision of an Annual Contributions Contract (ACC) including a determination of substantial breach or default; taking possession or title of property from a PHA; and declaring breach or default in response to any violation of statute or regulations;

5. Impose remedies for substantial noncompliance with the requirements of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 *et seq.*) and/or its implementing regulations; and