

suspects or has confirmed that there has been a breach of the system of records; (II) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (III) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

5. (b) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (I) responding to a suspected or confirmed breach or (II) 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.

6. Accept as noted on Forms SF-85, 85P, and 86, when a record on its face, or in junction with other records, made to the appropriate public authority, whether Federal, foreign, State, local, or tribal, or otherwise, enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutorial responsibility of the receiving entity.

7. To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, or cooperative agreement with HUD or under contract to another agency when necessary to accomplish an agency function related to a system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function.

8. To a Federal, State, or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments, in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA Act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures with 54836 **Federal Register**/Vol. 71, No. 181/Tuesday, September 19, 2006/ Notices approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.

9. To the Office of Personnel Management (OPM), the Merit Systems Protection Board (and its office of the Special Counsel), the Federal Labor Relations Authority (and its General Counsel), or the Equal Employment Opportunity Commission when requested in performance of their authorized duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Paper and electronic records.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by name and social security number.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Destroy 3 years after employee separation from the agency or all appeals are concluded whichever is later, but longer retention is authorized if required for business use.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

*For Paper Records:* Comprehensive paper records are kept in locked metal file cabinets in locked rooms in HUD Headquarters, in the Personnel Security Division which is the office responsible for suitability determinations. Access to the records is limited to those employees who have a need for them in the performance of their official duties.

*For Electronic Records:* Comprehensive electronic records are kept in the Personnel Security Division. Access to the records is restricted to those who have specific roles in the Personal Security Division and require access to background investigative data to perform their duties; and who have been given a password or two (2) factor authentication to access applicable files within the system including background investigative data. An electronic audit trail is maintained within the system and reviewed periodically to identify and track authorized/unauthorized access.

*For Electronic Records (cloud based):* Comprehensive electronic records are secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Management Act (FISMA) Moderate dedicated hosting environment. All data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handing data at

rest and in transit are in accordance with HUD encryption standards.

**RECORD ACCESS PROCEDURES:**

Individuals seeking notification of and access to their records in this system of records may submit a request in writing to the Department of Housing and Urban Development, Attn: FOIA Program Office, 451 7th Street SW, Suite 10139, Washington, DC 20410-0001 or by emailing [foia@hud.gov](mailto:foia@hud.gov). Individuals must furnish the following information for their records to be located:

1. Full name.
2. Signature.
3. The reason why the individual believes this system contains information about him/her.
4. The address to which the information should be sent.

**CONTESTING RECORD PROCEDURES:**

Same as the Notification Procedures below.

**NOTIFICATION PROCEDURES:**

Any person wanting to know whether this system of records contains information about him or her should contact the System Manager. Such person should provide his or her full name, position title and office location at the time the accommodation was requested, and a mailing address to which a response is to be sent.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

Persist system published in the **Federal Register** dated May 11, 2018 (83 FR 22094).

**LaDonne White**,  
*Chief Privacy Officer, Office of Administration.*

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**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-6357-N-01]

**Notice of HUD-Held Multifamily and Healthcare Loan Sale (MHLS 2023-1)**

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice of sale of one multifamily and 15 healthcare mortgage loans.

**SUMMARY:** This notice announces HUD's intention to sell one unsubsidized multifamily and fifteen unsubsidized healthcare mortgage loans, without

Federal Housing Administration (FHA) insurance, in a competitive, sealed bid sale on or about November 16, 2022 (MHLS 2023–1 or Loan Sale). This notice also describes generally the bidding process for the sale and certain persons who are ineligible to bid.

**DATES:** A Bidder's Information Package (BIP) will be made available on or about October 19, 2022. Bids for the loans must be submitted on the bid date, which is currently scheduled for November 16, 2022, between certain specified hours. HUD anticipates that an award or awards will be made on or before November 21, 2022. Closing is expected to take place on a specified date between November 29 and December 7, 2022.

**ADDRESSES:** To become a qualified bidder and receive the BIP, prospective bidders must complete, execute, and submit a Confidentiality Agreement and a Qualification Statement acceptable to HUD. Both documents will be available on the Mission Capital Advisors bidding system website: [market.missioncap.com](http://market.missioncap.com). This website contains information and links for sale registration and electronically completing and submitting the documents.

Questions about bidder qualification process may be sent to: Transaction Specialist at 1–844–709–0763 or email [HUDSales@FalconAssetSales.com](mailto:HUDSales@FalconAssetSales.com).

**FOR FURTHER INFORMATION CONTACT:** John Lucey, Director, Asset Sales, U.S. Department of Housing and Urban Development at [john.w.lucey@hud.gov](mailto:john.w.lucey@hud.gov).

**SUPPLEMENTARY INFORMATION:** HUD announces its intention to sell, in MHLS 2023–1, sixteen (16) unsubsidized mortgage loans (Mortgage Loans), consisting of fourteen (14) first lien and one (1) 2nd lien healthcare notes secured by skilled nursing and assisted living facilities located in various locations within Illinois, Indiana, New York, Ohio, Pennsylvania, Tennessee, Texas, Vermont, and Wisconsin, and one (1) first lien multifamily note secured by a multifamily property located in Alaska. The Mortgage Loans are non-performing mortgage loans. The listing of the Mortgage Loans is included in the BIP. The Mortgage Loans will be sold without FHA insurance and with HUD servicing released. HUD will offer qualified bidders an opportunity to bid competitively on the Mortgage Loans.

The Mortgage Loans will be stratified for bidding purposes into mortgage loan pools as appropriate. Each pool will contain Mortgage Loans that generally have similar performance, property type, geographic location, lien position

and other characteristics. Loans may be offered in pools of more than one loan and, or in single loan pools. Qualified bidders may bid on one or more pools.

Bidder eligibility criteria is set forth in the Qualification Statement. As detailed in the Qualification Statement, certain entities/individuals may be precluded from bidding depending on their prior involvement with the loan(s).

### The Bidding Process

The BIP describes in detail the procedure for bidding in MHLS 2023–1. The BIP also includes a standardized non-negotiable loan sale agreement (Loan Sale Agreement).

As part of its bid, each bidder must submit a minimum deposit of the greater of One Hundred Thousand Dollars (\$100,000) or ten percent (10%) of the aggregate bid prices for all of such bidder's bids. In the event the bidder's aggregate bid is less than One Hundred Thousand Dollars (\$100,000), the minimum deposit shall be not less than fifty percent (50%) of the bidder's aggregate bid. HUD will evaluate the bids submitted and determine the successful bid(s) in its sole and absolute discretion. If a bidder is successful, the bidder's deposit will be non-refundable and will be applied toward the purchase price, with any amount beyond the purchase price being returned to the bidder. Deposits will be returned to unsuccessful bidders after notification to successful bidders. Closings are expected to take place on a specified date between November 29 and December 7, 2022.

The Loan Sale Agreement, which is included in the BIP, contains additional terms and details. To ensure a competitive auction, the terms of the bidding process and the Loan Sale Agreement are not subject to negotiation.

### Due Diligence Review

The BIP describes the due diligence process for reviewing loan files in MHLS 2023–1. Qualified bidders will be able to access loan information remotely via a high-speed internet connection. Further information on performing due diligence review of the Mortgage Loans is provided in the BIP.

### Mortgage Loan Sale Policy

HUD reserves the right to add Mortgage Loans to or delete Mortgage Loans from MHLS 2023–1 at any time prior to the award date. HUD also reserves the right to reject any and all bids, in whole or in part, without prejudice to HUD's right to include the Mortgage Loans in a later sale. The Mortgage Loans will not be withdrawn

after the award date except as is specifically provided for in the Loan Sale Agreement.

This is a sale of unsubsidized mortgage loans, pursuant to Section 204(a) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1997, (12 U.S.C. 1715z–11a(a)).

### Mortgage Loan Sale Procedure

HUD selected a competitive auction as the method to sell the Mortgage Loans. This method of sale optimizes HUD's return on the sale of these Mortgage Loans, affords the greatest opportunity for all qualified bidders to bid on the Mortgage Loans, and provides the most efficient vehicle for HUD to dispose of the Mortgage Loans.

### Bidder Eligibility

In order to bid in the sale, a prospective bidder must complete, execute, and submit both a Confidentiality Agreement and a Qualification Statement acceptable to HUD. The following individuals and entities are among those INELIGIBLE to bid on the Mortgage Loans being sold in MHLS 2023–1:

1. A mortgagor or healthcare operator, including its principals, affiliates, family members, and assigns, with respect to one or more of the Mortgage Loans being offered in the Loan Sale, or an Active Shareholder (as such term is defined in the Qualification Statement);
2. With respect to any other HUD multifamily and/or healthcare mortgage loan not offered in the Loan Sale, any mortgagor or healthcare operator, including any Related Party (as such term is defined in the Qualification Statement) of either, that has failed to file financial statements or is otherwise in default under such mortgage loan or is in violation or noncompliance of any regulatory or business agreements with HUD and that fails to cure such default or violation by no later than November 1, 2022;
3. Any individual or entity that is debarred, suspended, or excluded from doing business with HUD pursuant to Title 2 of the Code of Federal Regulations, Part 2424;
4. Any contractor, subcontractor and/or consultant or advisor (including any agent, employee, partner, director, principal or affiliate of any of the foregoing) who performed services for, or on behalf of, HUD in connection with MHLS 2023–1;
5. Any employee of HUD, a member of such employee's family, or an entity owned or controlled by any such

employee or member of such an employee's family;

6. Any individual or entity that uses the services, directly or indirectly, of any person or entity ineligible under provisions (3) through (5) above to assist in preparing its bid on any Mortgage Loan;

7. An FHA-approved mortgagee, including any principals, affiliates, or assigns thereof, that has received FHA insurance benefits for one or more of the Mortgage Loans being offered in the Loan Sale;

8. An FHA-approved mortgagee and/or loan servicer, including any principals, affiliates, or assigns thereof, that originated one or more of the Mortgage Loans being offered in the Loan Sale if the Mortgage Loan defaulted within two years of origination and resulted in the payment of an FHA insurance claim;

9. Any affiliate, principal or employee of any person or entity that, within the two-year period prior to November 1, 2022, serviced any Mortgage Loan or performed other services for or on behalf of HUD in regard to any Mortgage Loan;

10. Any contractor or subcontractor working for or on behalf of HUD that had access to information concerning any Mortgage Loan or provided services to any person or entity which, within the two-year period prior to November 1, 2022, had access to information with respect to any Mortgage Loan; and/or

11. Any employee, officer, director or any other person that provides or will provide services to the prospective bidder with respect to the Mortgage Loans during any warranty period established for the Loan Sale, that serviced the Mortgage Loans or performed other services for or on behalf of HUD or within the two-year period prior to November 1, 2022, provided services to any person or entity which serviced, performed services or otherwise had access to information with respect to any Mortgage Loan for or on behalf of HUD.

Other entities/individuals not described herein may also be restricted from bidding on the Mortgage Loans, as fully detailed in the Qualification Statement.

The Qualification Statement provides further details pertaining to eligibility requirements. Prospective bidders should carefully review the Qualification Statement to determine whether they are eligible to submit bids on the Mortgage Loans in MHLS 2023–1.

### Freedom of Information Act Requests

HUD reserves the right, in its sole and absolute discretion, to disclose information regarding MHLS 2023–1, including, but not limited to, the identity of any successful bidder and its bid price or bid percentage for the Mortgage Loans, upon the closing of the sale of the Mortgage Loans. Even if HUD elects not to publicly disclose any information relating to MHLS 2023–1, HUD may be required to disclose information relating to MHLS 2023–1 pursuant to the Freedom of Information Act and all regulations promulgated thereunder.

### Scope of Notice

This notice applies to MHLS 2023–1 and does not establish HUD's policy for the sale of other mortgage loans.

**Jeffrey Little,**

*General Deputy Assistant Secretary, Office of Housing.*

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**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R1–ES–2022–N047;  
FXES11140100000–223–FF01E00000]

### Draft Safe Harbor Agreement; Draft Environmental Assessment for the Marbled Murrelet in Washington

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, have received an application from Weyerhaeuser Timber Holdings, Inc., for an enhancement of survival permit (permit) pursuant to the Endangered Species Act. If granted, the permit would authorize incidental take of the marbled murrelet, associated with forest management actions on private lands. The application includes a draft safe harbor agreement (SHA), which describes the actions the applicant will take to achieve a net conservation benefit for the marbled murrelet within its range on enrolled lands in Washington. We announce the availability of a draft environmental assessment addressing the SHA and permit application. We invite comments from all interested parties.

**DATES:** To ensure consideration, please submit written comments by November 14, 2022.

**ADDRESSES:** You may view or download copies of the draft SHA and draft EA

and obtain additional information on the internet at <https://www.fws.gov/office/washington-fish-and-wildlife>. To request further information or submit written comments, please use one of the following methods, and note that your information request or comments are in reference to “Weyerhaeuser SHA in Washington.”

- *Email:* [wfwocomments@fws.gov](mailto:wfwocomments@fws.gov).
- *U.S. Mail:* Public Comments

Processing, Attn: FWS–R1–ES–2022–N047; U.S. Fish and Wildlife Service; Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102; Lacey, WA 98503.

### FOR FURTHER INFORMATION CONTACT:

Vince Harke, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office (see **ADDRESSES**); telephone: 360–753–9440; email: [vince\\_harke@fws.gov](mailto:vince_harke@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:** The U.S. Fish and Wildlife Service (FWS) received an application from Weyerhaeuser Timber Holdings, Inc. (applicant), for an enhancement of survival permit (permit) pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*). The application requests a 34-year permit that would authorize take of the threatened marbled murrelet (*Brachyramphus marmoratus*), incidental to otherwise lawful timber harvest related activities within the range of the species on the enrolled lands. The application includes a safe harbor agreement (SHA), which describes the actions the applicant will take to achieve a net conservation benefit for the covered species. FWS also announces the availability of a draft environmental assessment (EA) addressing the effects of the permit application and SHA on the human environment, in accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*). We invite comments from all interested parties on the permit application, including the SHA and draft EA.

### Background

Section 9 of the ESA prohibits “take” of fish and wildlife species listed as endangered or threatened. Under the ESA, the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill,