

or an acceptable List A, List B, or List C receipt as described in the Form I-9 instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee’s Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any other adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot verify an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800-255-7688 (TTY 800-237-2515). Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at [www.justice.gov/ier](http://www.justice.gov/ier) and on the USCIS and E-Verify websites at [www.uscis.gov/i-9-central](http://www.uscis.gov/i-9-central) and [www.e-verify.gov](http://www.e-verify.gov).

#### Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, TPS beneficiaries presenting an automatically extended EAD as referenced in this **Federal Register** notice do not need to show any other document, such as an I-797C Notice of Action receipt notice or this **Federal Register** notice, to prove that they qualify for this extension. However, while federal government agencies must follow the guidelines laid out by the federal government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a federal, state, or local government benefit, you may need to provide the government agency with

documents that show you are a TPS beneficiary, show you are authorized to work based on TPS or other status, and/or that may be used by DHS to determine whether you have TPS or other immigration status. Examples of such documents are:

- Your current EAD;
- Your automatically extended EAD with a TPS category code of A-12 or C-19 and an expiration date shown in Table 3 in the question “Am I eligible to receive an automatic extension of my current EAD using this **Federal Register** notice?”; or
- Your Form I-94, Arrival/Departure Record or Form I-797 as shown in Table 2.

Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements Program (SAVE) program to confirm the current immigration status of applicants for public benefits. While SAVE can verify when an individual has TPS, each agency’s procedures govern whether they will accept an unexpired EAD, Form I-797, or Form I-94, Arrival/Departure Record. If an agency accepts the type of TPS-related document you are presenting, such as an EAD, the agency should accept your automatically extended TPS-related document, regardless of your country of birth. It may assist the agency if you:

- a. Present the agency with a copy of this **Federal Register** notice showing the extension of TPS-related documentation, in addition to your most recent TPS-related document with your A-Number, USCIS number or Form I-94 number;
- b. Explain that SAVE will be able to verify the continuation of your TPS using this information; and
- c. Ask the agency to initiate a SAVE query with your information and follow through with additional verification steps, if necessary, to receive a final SAVE response verifying your TPS and TPS-related benefits.

You can also ask the agency to look for SAVE notices or contact SAVE if they have any questions about your immigration status or automatic extension of TPS-related documentation. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed.

You can check the status of your SAVE verification by using CaseCheck at [save.uscis.gov/casecheck/](http://save.uscis.gov/casecheck/). CaseCheck is a free service that lets you follow the progress of your SAVE verification case

using your date of birth and one immigration identifier number (A-Number, USCIS number, or Form I-94 number) or Verification Case Number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted upon or will act upon a SAVE verification case and you do not believe the SAVE response is correct, the SAVE website, <http://www.uscis.gov/save>, has information on how to correct or update your immigration record, make an appointment, or submit a written request to correct records.

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-6276-N-01]

### Rental Assistance Demonstration: Post-Conversion Replacement of Units Under a PBV Housing Assistance Payment Contract

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner and Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice establishes the process by which assisted units under a Project Based Voucher (PBV) Section 8 Housing Assistance Payment (HAP) contract originally executed through a conversion under the Rental Assistance Demonstration (RAD) can be replaced in the event that the original units would be unavailable for occupancy due to a proposed demolition and reconstruction of the units, as a result of natural disaster, or other causes.

**DATES:** This notice is effective on September 10, 2021.

**ADDRESSES:** Interested persons are invited to submit questions or comments electronically to [rad@hud.gov](mailto:rad@hud.gov).

**FOR FURTHER INFORMATION CONTACT:** To assure a timely response, please direct requests for further information electronically to the email address [rad@hud.gov](mailto:rad@hud.gov). Written requests may also be directed to the following address: Office of Housing—Office of Recapitalization, Department of Housing and Urban Development, 451 7th Street SW, Room 6230, Washington, DC 20410. The Office of Recapitalization phone number is (202) 708-0001.

**SUPPLEMENTARY INFORMATION:****1. Replacement of Units Under a PBV Section 8 Housing Assistance Payment Contract***a. Background*

The RAD statute<sup>1</sup> authorizes the conversion of properties assisted under the public housing program to assistance under project-based Section 8 assistance in order to preserve and improve the housing. The statute includes various provisions envisioning the long-term preservation of the assisted units: HUD must require the “substantial conversion of assistance,” only permitting a de minimis reduction in assisted units; properties must be placed under long-term assistance contracts; upon expiration of the initial contract and any renewal contract the public housing authority (PHA) shall offer and the owner of the property shall accept renewal of the contract; a new Use Agreement must be recorded on the land; and the assistance may be transferred to a new site at or after conversion.

*b. When RAD Units Become Unavailable for Occupancy*

In the event that the property placed under a RAD PBV HAP contract through the conversion of assistance from public housing becomes unavailable for occupancy, and in order to continue the effective conversion of assistance of such properties, HUD finds it necessary to facilitate the replacement of assisted units under new assistance contracts under the same terms and conditions established in the original RAD PBV HAP contract or any renewal contract. Notably, RAD already includes a provision permitting the transfer of assistance to a new site. By this notice, HUD is supplementing the provision to transfer assistance by providing a mechanism for Public Housing Agencies (PHAs) to enter into a RAD Interim Agreement and, subsequently, a new RAD PBV HAP contract when a direct transfer of the HAP contract to new, eligible units is not possible and there would be a temporary period when a

HAP contract is not in effect. This might occur when, for example:

- The owner adequately justifies a specific and well-developed redevelopment plan that requires the units to be unavailable for occupancy while the PHA is replacing the units on-site; or
- An unforeseen event (such as a natural disaster) renders the units uninhabitable.

In such circumstances, the owner must continue to comply with all applicable fair housing and civil rights requirements, which include the obligations under Section 504 to provide mobility and sensory accessible units to tenants with disabilities who require those features and provide tenants reasonable accommodations, and the Uniform Relocation Act as applicable.

*c. RAD Interim Agreement*

During any period when a normal RAD PBV HAP contract cannot reasonably remain in force and is terminated, under conditions that HUD may establish, including for the protection of residents, HUD, the PHA, and the owner as applicable would enter into an Interim Agreement that provides the authority to carry forth the RAD requirements to the RAD PBV HAP contract that will cover the replacement units. The Interim Agreement would be executed prior to any termination of the original RAD PBV HAP contract and would implement the transition of the rental assistance from the RAD PBV HAP contract and ultimately to the replacement RAD PBV HAP contract. It would preserve the authority for the RAD PBV rental assistance to commence under the replacement RAD PBV contract. Further, the Interim Agreement would set forth any applicable development requirements and the conditions which must be met before the replacement RAD PBV HAP Contract can be executed.

**II. Finding of No Significant Impact**

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implemented section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for inspection at HUD's Funding Opportunities web page at:

[https://www.hud.gov/program\\_offices/spm/gmomgmt/grantsinfo/fundingopps](https://www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps).

**Dominique Blom,**

*General Deputy Assistant Secretary for Public and Indian Housing.*

**Lopa Kolluri,**

*Principal Deputy Assistant Secretary for Housing.*

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[Docket No. FWS-HQ-IA-2021-0051; FXIA16710900000-212-FF09A30000]

**Endangered Species Act, Marine Mammal Protection Act, and Wild Bird Protection Act; Receipt of Permit Applications**

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

**ACTION:** Notice of receipt of permit applications; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), invite the public to comment on applications to conduct certain activities with foreign species that are listed as endangered under the Endangered Species Act (ESA), foreign or native species for which the Service has jurisdiction under the Marine Mammal Protection Act (MMPA), and foreign bird species covered under the Wild Bird Conservation Act (WBCA). With some exceptions, the ESA, MMPA, and WBCA prohibit activities with listed species unless Federal authorization is issued that allows such activities. These Acts also require that we invite public comment before issuing permits for any activity they otherwise prohibit with respect to any species.

**DATES:** We must receive comments by October 12, 2021.

**ADDRESSES:**

*Obtaining Documents:* The applications, application supporting materials, and any comments and other materials that we receive will be available for public inspection at <http://www.regulations.gov> in Docket No. FWS-HQ-IA-2021-0051.

*Submitting Comments:* When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet:* <http://www.regulations.gov>. Search for and submit comments on Docket No. FWS-HQ-IA-2021-0051.

<sup>1</sup> Section 237 of Title II, Division L, Transportation, Housing and Urban Development, and Related Agencies, of the Consolidated Appropriations Act, 2012 (Pub. L. 112-74). The RAD statutory requirements were amended by the Consolidated Appropriations Act, 2014 (Pub. L. 113-76, signed January 17, 2014), the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235, signed December 16, 2014), the Consolidated Appropriations Act, 2016 (Pub. L. 114-113, signed December 18, 2015), the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, signed May 4, 2017), and the Consolidated Appropriations Act, 2018 (Pub. L. 115-141, signed March 23, 2018).