

*Compliance Issues*

(43) CBP, in conjunction with DHS, undertakes to conduct once a year, or more often if agreed by the parties, a joint review with the European Commission assisted as appropriate by representatives of European law enforcement authorities and/or authorities of the Member States of the European Union,<sup>13</sup> on the implementation of these Undertakings, with a view to mutually contributing to the effective operation of the processes described in these Undertakings.

(44) CBP will issue regulations, directives or other policy documents incorporating the statements herein, to ensure compliance with these Undertakings by CBP officers, employees and contractors. As indicated herein, failure of CBP officers, employees and contractors to abide by CBP's policies incorporated therein may result in strict disciplinary measures being taken, and criminal sanctions, as applicable.

*Reciprocity*

(45) In the event that an airline passenger identification system is implemented in the European Union which requires air carriers to provide authorities with access to PNR data for persons whose current travel itinerary includes a flight to or from the European Union, CBP shall, strictly on the basis of reciprocity, encourage U.S.-based airlines to cooperate.

296, dated November 25, 2002), the Privacy Officer for DHS is charged with conducting a "privacy impact assessment" of proposed rules of the Department on "on the privacy of personal information, including the type of personal information collected and the number of people affected" and must report to Congress on an annual basis regarding the "activities of the Department that affect privacy. \* \* \*" Section 222(5) of the Act also expressly directs the DHS Privacy Officer to hear and report to Congress regarding all "complaints of privacy violations."

<sup>13</sup>The composition of the teams on both sides will be notified to each other in advance and may include appropriate authorities concerned with privacy/data protection, customs control and other forms of law enforcement, border security and/or aviation security. Participating authorities will be required to obtain any necessary security clearances and will adhere to the confidentiality of the discussions and documentation to which they may be given access. Confidentiality will not however be an obstacle to each side making an appropriate report on the results of the joint review to their respective competent authorities, including the U.S. Congress and the European Parliament. However, under no circumstances may participating authorities disclose any personal data of a data subject; nor may participating authorities disclose any non-public information derived from documents to which they are given access, or any operational or internal agency information they obtain during the joint review. The two sides will mutually determine the detailed modalities of the joint review.

*Review and Termination of Undertakings*

(46) These Undertakings shall apply for a term of three years and six months (3.5 years), beginning on the date upon which an agreement enters into force between the United States and the European Community, authorizing the processing of PNR data by air carriers for purposes of transferring such data to CBP, in accordance with the Directive. After these Undertakings have been in effect for two years and six months (2.5 years), CBP, in conjunction with DHS, will initiate discussions with the Commission with the goal of extending the Undertakings and any supporting arrangements, upon mutually acceptable terms. If no mutually acceptable arrangement can be concluded prior to the expiration date of these Undertakings, the Undertakings will cease to be in effect.

*No Private Right or Precedent Created*

(47) These Undertakings do not create or confer any right or benefit on any person or party, private or public.

(48) The provisions of these Undertakings shall not constitute a precedent for any future discussions with the European Commission, the European Union, any related entity, or any third State regarding the transfer of any form of data.

Dated: May 11, 2004.

**Attachment "A"—PNR Data Elements Required by CBP From Air Carriers**

1. PNR record locator code.
2. Date of reservation.
3. Date(s) of intended travel.
4. Name.
5. Other names on PNR.
6. Address.
7. All forms of payment information.
8. Billing address.
9. Contact telephone numbers.
10. All travel itinerary for specific PNR.
11. Frequent flyer information (limited to miles flown and address(es)).
12. Travel agency.
13. Travel agent.
14. Code share PNR information.
15. Travel status of passenger.
16. Split/Divided PNR information.
17. E-mail address.
18. Ticketing field information.
19. General remarks.
20. Ticket number.
21. Seat number.
22. Date of ticket issuance.
23. No show history.
24. Bag tag numbers.
25. Go show information.
26. OSI information.
27. SSI/SSR information.

28. Received from information.
29. All historical changes to the PNR.
30. Number of travelers on PNR.
31. Seat information.
32. One-way tickets.
33. Any collected APIS information.
34. ATFQ fields.

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-4901-N-28]

**Federal Property Suitable as Facilities to Assist the Homeless**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**DATES:** Effective Date: July 9, 2004.

**FOR FURTHER INFORMATION CONTACT:** Kathy Burruss, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988, court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.) HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless.

Today's notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: July 1, 2004.

**Mark R. Johnston,**  
*Director, Office of Special Needs Assistance Programs.*

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