

Dated: February 16, 2016.

Ira S. Reese,

Executive Director, Laboratories and
Scientific Services Directorate.

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DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2016-0009]

Office of Chief Information Officer; Agency Information Collection Activities: REAL ID: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes

AGENCY: Office of the Secretary, DHS.

ACTION: 60-Day notice and request for
comments; reinstatement with change,
1601-0005.

SUMMARY: The Department of Homeland
Security, Office of the Secretary, will
submit the following Information
Collection Request (ICR) to the Office of
Management and Budget (OMB) for
review and clearance in accordance
with the Paperwork Reduction Act of
1995 (Pub. L. 104-13, 44 U.S.C. Chapter
35).

DATES: Comments are encouraged and
will be accepted until April 22, 2016.
This process is conducted in accordance
with 5 CFR 1320.1.

ADDRESSES: You may submit comments,
identified by docket number 2016-0009,
by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.
- *Email:* dhs.pra@hq.dhs.gov. Please include docket number DHS-2016-0009 in the subject line of the message.

SUPPLEMENTARY INFORMATION: The REAL
ID Act of 2005 (the Act) prohibits
Federal agencies from accepting State-
issued drivers' licenses or identification
cards for any official purpose—defined
by the Act and regulations as boarding
commercial aircraft, accessing federal
facilities, or entering nuclear power
plants—unless the license or card is
issued by a State that meets the
requirements set forth in the Act. Title
II of Division B of Public Law 109-13,
codified at 49 U.S.C. 30301 note. The
REAL ID regulations, which DHS issued
in January 2008, establish the minimum
standards that States must meet to
comply with the Act. See 73 FR 5272,
also 6 CFR part 37 (Jan. 29, 2008). These
include requirements for presentation
and verification of documents to
establish identity and lawful status,
standards for document issuance and

security, and physical security
requirements for drivers' license
production facilities. For a State to
achieve full compliance, the Department
of Homeland Security (DHS) must make
a final determination that the State has
met the requirements contained in the
regulations and is compliant with the
Act. The regulations include new
information reporting and record
keeping requirements for States seeking
a full compliance determination by
DHS. As discussed in more detail
below, States seeking DHS's full
compliance determination must certify
that they are meeting certain standards
in the issuance of drivers' licenses and
identification cards and submit security
plans covering physical security of
document production and storage
facilities as well as security of
personally identifiable information. 6
CFR 37.55(a). States also must conduct
background checks and training for
employees involved in the document
production and issuance processes and
retain and store applicant photographs
and other source documents. 6 CFR
37.31 and 37.45. States must recertify
compliance with REAL ID every three
years on a rolling basis as determined
by the Secretary of Homeland Security. 6
CFR 37.55.

Certification Process Generally—
Section 202(a)(2) of the REAL ID Act
requires the Secretary to determine
whether a state is meeting its
requirements, "based on certifications
made by the State to the Secretary." To
assist DHS in making a final compliance
determination, 37.55 of the rule requires
the submission of the following
materials: (1) A certification by the
highest level Executive official in the
State overseeing the DMV that the State
has implemented a program for issuing
driver's licenses and identification cards
in compliance with the REAL ID Act; (2)
A letter from the Attorney General of the
State confirming the State has the legal
authority to impose requirements
necessary to meet the standards; (3) A
description of a State's exceptions
process to accept alternate documents to
establish identity and lawful status and
wavier process used when conducting
background checks for individuals
involved in the document production
process; and (4) The State's security
plan.

Additionally, after a final compliance
determination by DHS, states must
recertify compliance every three years
on a rolling basis as determined by DHS.
6 CFR 37.55(b).

State REAL ID programs will be
subject to DHS review to determine
whether the State meets the
requirements for compliance. States

must cooperate with DHS's compliance
review and provide any reasonable
information requested by DHS relevant
to determining compliance. Under the
rule, DHS may inspect sites associated
with the enrollment of applicants and
the production, manufacture,
personalization, and issuance of driver's
licenses or identification cards. DHS
also may conduct interviews of
employees and contractors involved in
the document issuance, verification, and
production processes. 6 CFR 37.59(a).

Following a review of a State's
certification package, DHS may make a
preliminary determination that the State
needs to take corrective actions to
achieve full compliance. In such cases,
a State may have to respond to DHS and
explain the actions it took or plans to
take to correct any deficiencies cited in
the preliminary determination or
alternatively, detail why the DHS
preliminary determination is incorrect.
6 CFR 37.59(b).

Security Plans—In order for States to
be in compliance with the Act, they
must ensure the security of production
facilities and materials and conduct
background checks and fraudulent
document training for employees
involved in document issuance and
production. REAL ID Act sec. 202(d)(7)–
(9). The Act also requires compliant
licenses and identification cards to
include features to prevent tampering,
counterfeiting, or duplication. REAL ID
Act sec. 202(b). To document
compliance with these requirements,
the regulations require States to prepare
a security plan and submit it as part of
their certification package. 6 CFR 37.41.
At a minimum, the security plan must
address steps the State is taking to
ensure: The physical security of
production materials and storage and
production facilities; security of
personally identifiable information
maintained at DMVs including a privacy
policy and standards and procedures for
document retention and destruction;
document security features including a
description of the use of biometrics and
the technical standards used; facility
access control including credentialing
and background checks; fraudulent
document and security awareness
training; emergency response; internal
audit controls; and an affirmation that
the state possesses the authority and
means to protect the confidentiality of
REAL ID documents issued in support
of criminal justice agencies or similar
programs. The security plan also must
include a report on card security and
integrity.

*Background checks and waiver
process*—Within its security plans, the
rule requires States to outline their

approach to conducting background checks of certain DMV employees involved in the card production process. 6 CFR 37.45. Specifically, States are required to perform background checks on persons who are involved in the manufacture or production of REAL ID driver's licenses and identification cards, as well as on individuals who have the ability to affect the identity information that appears on the driver's license or identification card and on current employees who will be assigned to such positions. The background check must include a name-based and fingerprint-based criminal history records check, an employment eligibility check, and for newer employees a prior employment reference check. The regulation permits a State to establish procedures to allow for a waiver for certain background check requirements in cases, for example, where the employee has been arrested, but no final disposition of the matter has been reached.

Exceptions Process—Under the rule, a State DMV may choose to establish written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity and date of birth. 6 CFR 37.11(h). Alternative documents to demonstrate lawful status will only be allowed to demonstrate U.S. citizenship. The State must retain copies or images of the alternate documents accepted under the exceptions process and submit a report with a copy of the exceptions process as part of its certification package.

Recordkeeping—The rule requires States to maintain photographs of applicants and records of certain source documents. Paper or microfiche copies of these documents must be retained for a minimum of seven years. Digital images of these documents must be retained for a minimum of ten years. 6 CFR 37.31.

Extension Requests—Pursuant to § 37.63 of the Final Rule, States granted an initial extension may file a request for an additional extension. Subsequent extensions will be granted at the discretion of the Secretary.

The collection of the information will support the information needs of DHS in its efforts to determine State compliance with requirements for issuing REAL ID driver's licenses and identification cards. States may submit the required documents in any format that they choose. DHS has not defined specific format submission requirements for States. DHS will use all of the submitted documentation to evaluate

State progress in implementing the requirements of the REAL ID Final Rule. DHS has used information provided under the current collection to grant extensions and track state progress.

Submission of the security plan helps to ensure the integrity of the license and identification card issuance and production process and outlines the measures taken to protect personal information collected, maintained, and used by State DMVs. Additionally, the collection will assist other Federal and State agencies conducting or assisting with necessary background and immigration checks for certain employees. The purpose of the name-based and fingerprint based CHRC requirement is to ensure the suitability and trustworthiness of individuals who have the ability to affect the identity information that appears on the license; have access to the production process; or who are involved in the manufacture or issuance of the licenses and identification cards.

In compliance with GPEA, States will be permitted to electronically submit the information for their security plans, certification packages, recertifications, extensions, and written exceptions processes. States will be permitted to submit electronic signatures but must keep the original signature on file. Additionally, because they contain sensitive security information (SSI), the security plans must be handled and protected in accordance with 49 CFR part 1520. 6 CFR 37.41(c). The final rule does not dictate how States must submit their employees' fingerprints to the FBI for background checks; however it is assumed States will do so via electronic means or another means determined by the FBI.

Information provided will be protected from disclosure to the extent appropriate under applicable provisions of the Freedom of Information Act, the Privacy Act of 1974, the Driver's Privacy Protection Act, as well as DHS's Privacy Impact Assessment for the REAL ID Act.

There have been no program changes or new requirements established as a result of this collection request. Extensions were covered in the initial request however it was incorrectly removed from the subsequent request.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Analysis

Agency: Office of the Secretary, DHS.
Title: REAL ID: Minimum Standards for Driver's Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes.

OMB Number: 1601-0005.

Frequency: Annually.

Affected Public: State, local, and tribal governments.

Number of Respondents: 56.

Estimated Time per Respondent: 1,178 hours.

Total Burden Hours: 446,246 hours.

Dated: February 12, 2016.

Carlene C. Iletto,

Executive Director, Enterprise Business Management Office.

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DEPARTMENT OF HOMELAND SECURITY

Office of the Citizenship and Immigration Services Ombudsman; Agency Information Collection Activities: Office of the Citizenship and Immigration Services Ombudsman Customer Satisfaction and Needs Assessment Survey (Ombudsman Form DHS-NEW)

AGENCY: Office of the Citizenship and Immigration Services Ombudsman (CISOMB), DHS.

ACTION: 30-Day notice and request for comments; new collection, 1601-NEW.

SUMMARY: The Department of Homeland Security (DHS), Office of the Citizenship and Immigration Services Ombudsman (CISOMB), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). DHS previously published this information collection request (ICR) in the **Federal Register** on Monday, November 9, 2015 at 80 FR